

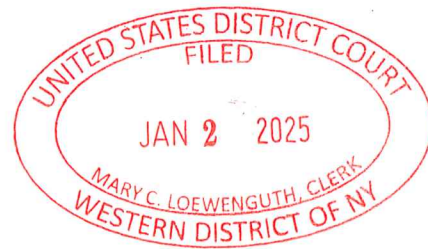
**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK**

25 CV 0005-S

Tuan Hoang Dao

A# 074 481 733

Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, NY 14020



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PETITION FOR A WRITE OF HABEAS CORPUS

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
OF NEW YORK**

Tuan Hoang Dao

A: 074-481-733

Petitioner

V.

MERRICK B. GARLAND, ATTORNEY
GENERAL;

ANDREW MAYORKAS,

SECRETARY OF DEPARTMENT OF
HOMELAND SECURITY;

JOSEPH FREDEN ,U.S. (ICE) IMMIGRATION AND
CUSTOMS ENFORCEMENT

FIELD OFFICE DIRECTOR FOR THE
BATAVIA, FIELD OFFICE;

AND GEORGE P. HARVEY ASSISTANT FIELD
OFFICE DIRECTOR OF BUFFALO FEDERAL
DETENTION FACILITY.

Respondents.

Civil Action no:_____

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
AND 28 U.S.C. § 1651**

Petitioner, Tuan Hoang Dao, hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the Buffalo Federal Detention Facility, 4250 Federal Dr. in Batavia, New York.

Petitioner is under the direct restraint and control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Naturality Act ("INA"), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq.

3. This Court has jurisdiction under 28 U.S.C. § 2241; art. I § 9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. § 1331, as the Petitioner is presently in the custody under color of the authority of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

4. Petitioner has exhausted any administrative remedies to the extent required by law. Petitioner argues that Vietnam, his origin, do not accept deportees for the most part, as evident by the "Agreement between Vietnam and the United States.

Furthermore, petitioner came under [a]n "Humanitarian Program", Refugee for Political Asylum one specifically, stemming from 1988 through about 1995 when petitioner left. Petitioner fears it may be moot for him to appeal to the second circuit court of appeals, if I.C.E. couldn't remove [him] either way, as there would be no travel documents available, petitioner only has a green card and social security card, and drivers license in the United States, See Exhibit (1-A) (Petitioner's Green Card, Drivers License, and Social Security).

Petitioner has been present in the U.S. for over thirty years. Petitioner is being detained and there could be no travel documents available for petitioner, as his socialist-communist regime, at the time were not safely nor responsibly "keeping records".

VENUE

5. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Western District, the judicial district in which Petitioner resides. Petitioner is being held at Buffalo Federal detention Facility, in Buffalo New York, which is the Western District of New York.

PARTIES

6. Petitioner is a native and citizen of Vietnam. Petitioner was first taken into custody on February 1st, 2023, and has remained in ICE custody continuously since that date. Petitioner was ordered removed on November 2nd, 2023. My deportation order became final on September 13th 2024 as the result of a B.I.A. appeal. The B.I.A. has concluded

that the immigration court made an error in regards to the transcript, instructing the Court to "produce" the transcript minutes as they were not forwarded to the Board of Appeals reviewing [my] appeal, this dilemma, has prolonged [my] detention further and this delay is not attributed to me.

7. Respondent Merrick Garland is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Nationalization Act (INA). As such, Mr. Merrick Garland has ultimate custodial authority over Petitioner.

8. Respondent Andrew Mayorkas, ("DHS") Department of Homeland Security secretary is the Secretary of the Department of Homeland Secretary. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, [dhs assistant secretary of ICE] is the legal custodian of Petitioner.

9. Respondent [name of ICE Field Office Director] is the ICE Field Office Director of the Buffalo I.C.E. Field Office and George Harvey is the Assistant Field Office Director and is Petitioner's immediate custodian. See Vasquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert, denied, 122 S. Ct. 43 (2001).

10. Respondent, Warden of Buffalo Federal Detention Facility, where Petitioner is currently detained under the authority of ("ICE") Immigration and Customs Enforcement, alternatively may be considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

11. Petitioner, Tuan Hoang Dao, is a native and citizen of Vietnam.

Petitioner has been in ICE custody since February 1th, 2023. See Exhibit (2-B) (Petitioner's note appear warrant of ICE). An Immigration Judge ordered the Petitioner removed on November 2nd, 2023. Petitioner appealed to the Board Of Immigration ("B.I.A."), the B.I.A. remanded to the [IJ] Immigration Judge, so the Court may provide the "missing" transcript, which were never provided as per procedure the first go around, thus violating the due process requirements. See Exhibit (3-C) (Copy notice of the B.I.A decision remanded back I.J malfunction). The B.I.A. has made a decision to have the record corrected, then remanding the case for the transcript to be corrected, for a proper review. Then the Immigraton Court resent the transcript to the Board of Immigration Appeals, delaying petitioner's detention further. The B.I.A. then required another waiting period to determine the merits of Petitioner's appeal, thus prolonging petitioner's detention even further, even though there is no repatriation agreement between the United States and Vietnam, hence, there is no likelihood of removal in the reasonably foreseeable future. The Board has made a determination to uphold the judges' final decision in the removal proceedings, hereby denying petitioner the relief he was entitled to, and ordering [his] removal to Vietnam. See Exhibit (4-D) (Copy notice of the B.I.A dismissed). Petitioner has been held at Buffalo Federal Detention Facility under prison like conditions, having to smell K-2 smoke all day as well as other intoxicants and opiates, as staff has not implemented any

regulations to prevent these substances from entering the facility. See Exhibit (5-E)

(Petitioner's Affidavit in general).

Mr. Dao's family has a tradition that, if you are locked up, you cannot see the children, especially on video visits and in person visits and even the phone; this "tradition" has kept Mr. Dao away from his family and has continuously broken petitioner's heart over and over, everyday. Immigration Deportation Officer Travis came on February 15th, 2024, to interview Mr. Dao, and asked [him] for his address in the street where he would be released to, D.O Travis responded to this inquiry on February 20th, 2024 on the tablet, detainee communication global tel link connection. See Exhibit (6-F) (copy of mail between Deportation Officer Travis and Mr. Dao). Since Immigration and Customs Enforcement ("I.C.E.") cannot remove Mr. Dao, this inquiry into petitioner's address prompted petitioner not to file a Second Circuit petition for review, and further his appellate rights, under pretense that [he] was going to be released very soon. Deportation Officer Mr. Travis, manipulated petitioner, so [he] wouldn't file a "Petition for Review", with the Second Circuit, now petitioner fears extremely prolonged detention as he has already lost all [his] assets.

BACKGROUND

12. Petitioner was born on December 31st, 1971 in Vietnam, [he] is a native and citizen of Vietnam, Mr. Hoang Dao was raised by his mother and grandmother, at three years old Petitioner had to escape Vietnam to avoid the dangers of the ensuing Vietnamese war. During the war Petitioner's grandfather (Mr. Duong Van Huynh) was captured by the Viet Cong and was consequently sentenced to decapitation (beheaded), due to accusations stemming

from the transportation of gasoline for the United States military, in the end he was luckily helped by [his] allies.

In 1975, I lived with my grandfather in Can Tho. In 1976, I followed my aunts lead (Mrs. Duong Thi Mai Nho, who currently resides in York County, Pennsylvania. From 1977 through 1982, I returned to live with my grandfather, in order to attend school.

In June 1982, I returned to Kien Giang to reside with my parent and grandmother. I continued attending school there, whilst helping my grandmother working in the rice mills and farming.

In 1986, my mother (Mrs. Duong Thi Mai Van) was arrested by the Vietnamese Police stemming from charges brought against her of buying rice illegally, leading to a confiscation of her commodities.

When I was 17 years old (a young boy), the Vietnamese Administration (Government), forced me to join the military to serve them, but petitioner refused to join, as [he] was underage at the time. The Vietnamese Administration consequently arrested petitioner and placed petitioner in prison, brought trumped up charges against me of reactionary rebellion against the Administration.

The Administration tied my hands, and began beating me and torturing me, kicking me in the shins, knees, and chest. They also stated, that if I refused to serve the Government, they would visit my home (house) to confiscate my family's property and arrest my parents. The United States has provided me with a permit to settle in the United States, according to

a decree issued by the United States Government, I was then released. In 1990 I graduated from High School, but was not allowed to attend University, because the Vietnamese communist authority did not allow me to study or work for their Government. This is stemming from my refusal to serve in the military, and because my father was an army officer of the old regime. My father was a soldier "allied" with the United States during the Vietnam War. On March 28th, 1995 my immediate family and I left Vietnam to settle in the United States as political refugees under which was supported by the United States Government. My father Mr. Dao Thanh Long, whom currently resides in York County, Pennsylvania. [He] My father enrolled in the army as a soldier from June 1971 to April 30th, 1975, [he] served the old regime of Vietnam, and is a soldier "allied" with the United States, [his] military number is: 72/151,777 LM: ARH+ and his position is Deputy Company Captain. See Exhibit (7-G) (Proof of Long Dao's Vietnam Military Service).

After the U.S. army forces left Vietnam the Communist Administration of Northern Vietnam assumed control over Southern Vietnam. On June 26th, 1976, my father was arrested by the Communist Administration and was put in a prison, charges were brought of being a traitor who helped the United States army to invade Vietnam. This government has forced my father to study hard labor re-education for (5) five years and (3) three months, during that time, the Vietnamese administration mistreated, tortured and beat him cruelly and inhumanely in revenge. Every day my father was fed 2 small bowls of rice, a few sweet

potatoes and a few vegetables to eat, without enough water to drink, [he] was treated like an animal, and glad to endure countless hardships and painful tragedies. See Exhibit (8-H) (Copy of Long Dao's Reformatary camp release document). On September 2nd, 1980, my father was finally released, but after the release the Vietnamese administration still suppressed and monitored him. During that time, my family and I had to live under oppressive restraint without freedom nor human rights. At this time, respondent and [his] immediate family fled to the United States and were inspected by United States government officials so we could be admitted through the entry gate at New York JFK Airport legally.

Petitioner first arrived in the United States on March 30th, 1995, via John F. Kennedy Airport, New York. Petitioner then took up residence at 651 W. Market Street in York County, Pennsylvania with his immediate family, was a permanent resident with a green card as Petitioner and [his] family became Lawful Permanent Residents ("LPR"), and are now citizens, see: Exhibit (9-I) (Copy Citizens of Mr. Dao family documents) all of whom are still residing there. In July 1995 I started working at Grinell, not long after that in May 1996, I started a new job at New York Wire. Eventually I resigned and put all my savings into a new venture. Acting on my brightest dreams of success.

Petitioner is an enthusiastic hard working member of society who started [his own business, namely, (2) two nail salons and a landscaping company, see, Exhibit (10-J) (Copy of Mr. Dao's Nail Salon "Venus Nails") and was very successful in this industry.

Petitioner has payed taxes continuously on these businesses from 1999 ending, to present day, today. See Exhibit (11-K) (Copy of Mr. Dao Taxes records from 2011 to 2023).

Petitioner participated in some charity work at the pagoda and church voluntarily, and was an active member of a federal Vietnamese Community Organization. Every summer, I often would organize activities for a large sum of people from our federal community, opening fundraising competitions such as but not limited to: football, volleyball, tennis, music and arts.

In January 2011, I returned to Vietnam to organize a funeral for my grandmother and attempt to reclaim property my family once owned, but to no avail, as the government threatened me and confiscated it his property, with no reasoning whatsoever, except for my past affiliation with the United States soldiers. On this occasion my parents could not return, especially my father, because of his previous affiliation and alliance with the United States military soldiers when they were fighting against the Vietnamese government.

At that time, I had to report to the Vietnamese authorities for every move I made, and they confiscated my American green card documents and would not return it, because they knew I could not return to the U.S. without it. Not until I payed a very hefty fee, was it restored to me. See Exhibit (12-L) (Petitioner's Green Card).

The Vietnamese Government was attempting to blackmail me, so they labeled me a traitor and the child of a family of soldiers from the previous regime who opposed the administration. I refused to obey, opposed their demands, and argued against giving the funds

requested. The Vietnamese Police became very angry and physical with me, using force, pushing me to the ground, then tying my hands behind my back until I could no longer resist and then started beating me whilst I was bound. They used batons to tap my knees and legs and head, and kept prodding me in the face stomach and chest, after this, I was consequently imprisoned for (5) five days in a very small cold room without lighting, food, nor water. Petitioner had to endure lots of pain and hunger, causing malnutrition. To this day Mr. Dao has severe nightmares and post traumatic stress disorders from these past acts of torture. I truly believed I would never be given another opportunity to return to the safety of the United States, I kept asking for my Uncle, who has since died from heart disease, he was a lawyer and somehow was able to convince and pay the authorities to release me from detention, and [he] paid to have my green card returned to me, so that I could again flee to the safety of the United States. Petitioner is extremely afraid to return to Vietnam for safety and humanitarian reasons, I honestly believe I will be assaulted and killed by the Vietnamese administration, not only because of my father's participation in the Vietnam war because of [his] military status and fighting alongside the U.S. against the regime. Even though time has elapsed, the Vietnam government will never forget anyone who has opposed them, as I am marked by this for the rest of my life. People in that country are living under mistreatment, without liberty nor freedom, democracy nor human rights, only outright crimes against humanity. The children are treated cruelly and are tortured using electric rods. The police

abuse their authority and power, engage in corruption, deprive citizens of basic rights, and torture and coerce people, leaving in their trail, tragedy and death. Sometimes even killing them, and lying to cover it up, claiming suicide or that the person suffered from mental illness. There is no right to freedom of speech. If I'm deported, a simple task as applying for a driver's license, or identity card will bring down terror upon me. Entering the Vietnamese border gate, would alert them of my presence. The Vietnamese government is a (1) one party dictatorship government, a communist party led by Prime Minister Nguyen Xuan Phuc, Deputy Prime Minister Nguyen Phu Trong, and Minister of Foreign Affairs Pham Minh Chinh, Chairman of the National Assembly Vuong Dinh Hue, are the leaders of the Vietnamese government who dominate the administration apparatus. These people are the same group, who has elected themselves to take over as sole authority. They participate in bribery with each other, hide their illegal actions, and can do as they please at anytime.

Petitioner asserts, that if [he] is deported he would face undue hardship, yet, petitioner asserts that respondents cannot remove him, as per the agreement between the United States and Vietnam, and safe life. Furthermore, petitioner is included in the terms of the treaty agreement signed between Vietnam and the United States. Under these terms, it explicitly states that if I arrived in the United States before July 12th, 1995, I would be protected under the terms of the Law. See Exhibit (13-M) (Copy of Agreement between Vietnam-United States). Petitioner arrived in the U.S. on March 30th, 1995, as a legal refugee, and under the decree of

the U.S. government. On June 26th, 1996, I was a lawful, longterm civilian, living under the protection of the United States Law. See Exhibit (14-N) (Petitioner's permanent 6-26-1996 aproved resident). In my current situation, only the Immigration Judges and the court system, and United States Government can protect my safety and survival.

I pray that my family is not seperated, I pray that the honorable court affords me a chance, to remain in the United States.

As my children and family are successful citizens, law abiding here in the U.S. Petitioner is determined to become a better person, whose focus is on rebuilding family ties, and living a new dignified, safe, and peaceful life.

PROCEDURAL HISTORY

13. On November 19th, 2013 petitioner was arrested in Middlesex County, Massachusetts for aggravated felony in violation of MGL Chapter 265, then found guilty by trial where he was not allowed to take the stand, the trial was unfair, and evidence presented was inadmissible as there were no police statement, and no evidence was at the scene of the alleged crime. This ended in a conviction on November 5, 2014 in Middlesex Superior Court at Woburn, MA and sentence of 10-12 years, which petitioner finished without incident. Petitioner is mounting a post conviction challenge to the criminal aspect of [his] triggered Immigration custody and detention, collateral consequences; which Mr. Dao is prejudicially facing, and feeling deep adverse impact from; psychologically, mentally, physically, and financially being drained, in this process.

Mr. Dao has always abide by the law, and worked and payed taxes, the majority of his life, in all jurisdictions in which [he] resided.

14. Ice first took Petitioner into custody on February 1st, 2023 in Boston Massachusetts, at Plymouth Detention Center, Immigration Judge Rainey presided. Immediately after completion of Petitioner's sentence which was [his] first state conviction, once [his] sentence was completed. Petitioner has continuously languished in I.C.E. custody for 23 months since being detained.

15. Petitioner first commenced immigration proceedings at an Initial Calendar Hearing on February 21st, 2023. The next appearance was March 20, 2023, the form I-589 was handed to respondent, this took place in Boston Immigration Court. That same morning respondent was then transferred to Batavia Immigration Court in New York, on April 25th 2023, petitioner then appeared for the first time in Batavia Court before "IJ" Eric Schultz, where the "IJ" rescheduled the next appearance for May 30th, 2023, but petitioner's attorney filed a motion to withdraw two weeks prior to this appearance. The next appearance was July 21st, 2023, where the "IJ" had a discussion with the U.S. Attorney and then rescheduled further. The next appearance was put on for August 8th, 2023, the new counsel was entering appearance via motion to the Court. The proceedings were rescheduled for September 5th, 2023 where new counsel was becoming familiarized with this case. The case was postponed to October 12th, 2023, where [his] Master Calendar Hearing was conducted, where the

immigration judge ("IJ") evaluated Mr. Dao's evidence for relief sought and the Immigration Judge ("IJ") set a date for his decision to be rendered on November 2nd, 2023, wherein the "IJ" ordered Mr. Dao removed to Vietnam, after sudden denial of petitioner's claim.

Petitioner filed an appeal to the Board of Immigration Appeals ("B.I.A.") or ("Board") on January 24th, 2024, the Board remanded the case back to the Batavia Immigration Court for a correction and recording to be produced of the transcript which was ultimately missing, on March 29th, 2024. The Immigration Judge rescheduled for a conference in regards to correcting the record and put off for the April 22nd, 2024 date. The Batavia Immigration Court was given the daunting task of producing petitioner's complete record of the proceedings, the "IJ" and Batavia Court allegedly corrected the transcript and resubmitted this to the Board.

The IJ scheduled another conference for a decision, hence costing petitioner more time, and delay. The scheduled date was April 22nd, 2024, then another postponement by the "IJ" was rescheduled for May 14th, 2024, then rescheduled again by the "IJ" for May 21st, 2024.

This day the judge reissued his decision and it was still a blatant denial of relief sought by Mr. Dao. Ultimately the Board dismissed petitioner's appeal on September 13th, 2024. After a thorough review of petitioner's transcript, a significant portion of the transcript is "still" missing, never to be retrieved, furthermore, counsel for petitioner neglected to mention this fact to petitioner, nor did counsel mention this fact in the appeal brief whilst representing Mr. Dao on his appeal. Petitioner cannot properly brief his case without a full and complete record.

16. To date, however, ICE has been unable to remove the Petitioner to Vietnam or any other country. Petitioner's home country will not accept him because, he has escaped persecution and torture from the government, no repatriation agreement exists between the United States and Vietnam. Petitioner has spoken with a Deportation Officer ("DO"), about the reason [he] cannot be deported to Vietnam, such reason being that petitioner could not be removed, the D.O. stated that [he] would release petitioner.

17. Petitioner has cooperated fully with all efforts by ICE to remove Petitioner from the United States. Petitioner is in full compliance and cooperation with ICE officials, in regards to any necessary travel documents or paperwork to assist in the attempts to remove petitioner. Petitioner was never asked to sign any documents, at any time. Petitioner has shared any and all information about where he was born, and so on. ICE has any photographs necessary, fingerprints were "not" requested, nor identity documents.

18. Petitioner's custody status was never reviewed, since [he] was picked up by I.C.E., even though I.C.E. cannot remove Petitioner in the reasonably foreseeable future. Petitioner was never served with a written decision ordering his continued detention.

19. At no time did petitioner received notice [his] case was being transferred to [HQPDU], Petitioner was not served with a notice transferring authority over his custody status to ICE Headquarters Post-Order Detention Unit ("HQPDU"). Petitioner has taken no action to request ICE Headquarters to release [him] from detention as of this time. Petitioner has co-

operated with D.H.S. in obtaining travel documents, as there is none available from the Vietnamese Consulate.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

19. Pursuant to the recently decided *CAROL BLACK*, Petitioner, -against- *THOMAS DECKER*, et al., Respondents, in the United States District Court for the Southern District of New York 2020 US Dist LEXIS 1317352020, petitioner requests an individualized bond hearing, or in the alternative, immediate release, as respondents refuse to grant relief.

This is presumed to be the controlling law in this jurisdiction and circuit, a bond hearing after six months of detention, is adequate, especially where detention is unreasonably prolonged.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible aliens. Department of Homeland Security administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(b)(2)(ii).

20. Petitioner was ordered removed on November 2nd, 2023 and the removal order became final on September 13th, 2024. The ninety day statutory removal period ended on December 13, 2024, therefore, the six-month presumptively reasonable removal period

for Petitioner ends March 13th, 2025.

See, Braden v. 30th Judicial Cir. Ct., 410 U.S. 484, 93 S. Ct. 1123, 35 L. Ed. 2d 443 (1973). Braden held that a court has habeas jurisdiction so long as it has jurisdiction over the respondent. *Id.* at 1129-1130. Padilla narrowed Braden's holding to apply to challenges to "future confinement." Padilla, 542 U.S. at 442. Because Tuan Hoang Dao is currently in custody, his habeas petition concerns his future confinement as well. Thus, Tuan Hoang Dao is under the gambit of Braden.

Even if Braden is not controlling here, the Supreme Court has not established a bright-line district-of-confinement rule that is applicable to this case. Neither Padilla nor Ahrens address whether the district-of-confinement rule should govern when the noncitizen detainee is detained in a private facility that is located in a different district from where the respondent is based.

28 U.S.C. § 2241 "authorizes a district court to grant a writ of habeas corpus whenever a petitioner is 'in custody in violation of the Constitution or laws or treaties of the United States.'" *Wang v. Ashcroft*, 320 F.3d 130, 140 (2d Cir. 2003) (quoting 28 U.S.C. § 2241(c)(3)). The government maintains that Dao is validly detained under 8 U.S.C. § 1226(c) because he is a noncitizen with pending removal proceedings who has been convicted of a particularly serious crime. Dao is challenging for the most part a single ground, [he] contends that his detention for over six months "has become unreasonably prolonged" and therefore constitutes a violation of procedural due process under the Fifth Amendment of the United States Constitution.

The Fifth Amendment's Due Process Clause forbids the federal government from depriving any "person . . . of . . . liberty . . . without due process of law." U.S. Const. Amend. v. The Supreme Court "has held that the Due Process Clause protects{2024 U.S. Dist. LEXIS 5} individuals against two types of government action." *United States v. Salerno*, 481 U.S. 739, 746, 107 S. Ct. 2095, 95 L. Ed. 2d 697 (1987). "So-called 'substantive due process' prevents the government from engaging in conduct that shocks the conscience, . . . or interferes with rights implicit in the concept of ordered liberty." *Id.* (citations omitted). "When government action depriving a person of life, liberty, or property survives substantive due process scrutiny, it must still be implemented in a fair manner." *Id.* "This requirement has traditionally been referred to as 'procedural' due process." *Id.*

"Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). "[G]overnment detention violates that Clause unless the detention is ordered in a criminal proceeding with adequate procedural protections . . . or, in certain special and narrow nonpunitive circumstances, . . . where a special justification, such as harm-threatening mental illness, outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Id.* (emphasis in original) (citations and internal quotation marks omitted). Other than those unique, special, and narrow circumstances,{2024 U.S. Dist. LEXIS 6} "[o]nly a jury, acting on proof beyond a reasonable doubt, may take a person's liberty. That promise stands as one of the Constitution's most vital protections against arbitrary government." *United States v. Haymond*, 139 S. Ct. 2369, 2373, 204 L. Ed. 2d 897 (2019).

"[Noncitizens], even [noncitizens] whose presence in this country is unlawful, have long been

recognized as 'persons' guaranteed due process of law by the Fifth . . . Amendment[]." *Plyler v. Doe*, 457 U.S. 202, 210, 102 S. Ct. 2382, 72 L. Ed. 2d 786 (1982); see *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212, 73 S. Ct. 625, 97 L. Ed. 956 (1953) ("It is true that [noncitizens] who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law."). At the same time, Congress has "broad power over naturalization and immigration, [permitting it to] make[] rules that would be unacceptable if applied to citizens." *Demore v. Kim*, 538 U.S. 510, 521, 123 S. Ct. 1708, 155 L. Ed. 2d 724 (2003) (quoting *Mathews v. Diaz*, 426 U.S. 67, 79-80, 96 S. Ct. 1883, 48 L. Ed. 2d 478 (1976)).

Dao challenges the procedural safeguards that apply to his continued detention.

The Due Process Clause is not offended by the mandatory detention of noncitizens for the "brief period necessary for their removal proceedings," *Demore*, 538 U.S. at 513 (emphasis added), but may be violated by detention beyond that "brief" period, depending on the balance of the individual's and the government's interests, see, e.g., *id.* at 532 (Kennedy, J., concurring) ("[A] lawful permanent{2024 U.S. Dist. LEXIS 7} resident . . . could be entitled to an individualized determination as to his risk of flight and dangerousness if the continued detention bec[omes] unreasonable or unjustified."); see also *Landon v. Plasencia*, 459 U.S. 21, 34, 103 S. Ct. 321, 74 L. Ed. 2d 21 (1982) ("The constitutional sufficiency of procedures provided in any situation, of course, varies with the circumstances."). For that reason, this Court "has evaluated procedural due process challenges to immigration detention with a two-step inquiry." *Hemans v. Searls*, 2019 U.S. Dist. LEXIS 31353, 2019 WL 955353, at *5 (W.D.N.Y. Feb. 27, 2019). "A[t] the first step, the Court considers whether the [noncitizen's] detention

has been unreasonably prolonged." *Id.* "If it has not, then there is no procedural due process violation." *Id.* "But if it has, the Court proceeds to step two and 'identifies the specific dictates of due process' by considering the *Mathews v. Eldridge* factors." *Id.* (alteration omitted) (quoting *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)). "If the government has not provided the procedural safeguards dictated by the *Mathews* factors to a [noncitizen] subject to unreasonably prolonged detention, then his continued detention violates procedural due process." *Id.*

Procedural Requirements of Bond Hearing

The burden at the bond hearing is on the Government to justify by clear and convincing evidence that Petitioner{2020 U.S. Dist. LEXIS 27} poses a risk of flight or a danger to the community. *See, Graham*, 2020 U.S. Dist. LEXIS 107520, 2020 WL 3317728, at *8 ("The overwhelming majority of courts have concluded, post-Jennings, that when unreviewed detention has become unreasonable, the government must bear the burden of proof at a bond hearing by clear and convincing evidence, to ensure the preservation of the detainees' fundamental liberty interests." (quotation marks omitted)). "[C]ivil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425, 99 S. Ct. 1804, 60 L. Ed. 2d 323 (1979). This includes mandatory detention under § 1226(c). *See Hernandez*, 2018 U.S. Dist. LEXIS 124613, 2018 WL 3579108, at *11 (finding, in the context of detention under § 1226(c), that "pursuant to *Lora*, [] imposing a clear and convincing standard would be most consistent with due process"). In considering the issue, the IJ must also consider Petitioner's ability to pay and the availability of alternative means of assuring his appearance. *See 2018 U.S. Dist. LEXIS 124613*, [WL] at *12; *Graham*, 2020 U.S. Dist. LEXIS 107520, 2020

WL 3317728, at *8. "These two procedural safeguards -- a clear and convincing standard of proof, and consideration of the ability to pay and conditions of release -- are the two conditions most often ordered as constitutionally necessary." *Sophia*, 2020 U.S. Dist. LEXIS 26110, 2020 WL 764279, at *5 (citing *Sanchez v. Decker*, 18 Civ. 8798, 431 F. Supp. 3d 310, 2019 WL 7047328, at *5-6 (S.D.N.Y. Dec. 23, 2019)).

Tuan Hoang Dao's Detention

"[W]hen weighing the lawfulness of continued detention of a [noncitizen] under the Due Process Clause," several factors determine whether detention is unreasonably{2024 U.S. Dist. LEXIS 8} prolonged. *Jamal A. v. Whitaker*, 358 F. Supp. 3d 853, 858 (D. Minn. 2019). This Court, for example, has considered "(1) the total length of detention to date; (2) the conditions of detention; (3) delays in the removal proceedings caused by the parties; and (4) the likelihood that the removal proceedings will result in a final order of removal." *Hemans*, 2019 U.S. Dist. LEXIS 31353, 2019 WL 955353, at *6.

First, and most important, courts consider the length of detention. Dao has been in DHS custody since February 01, 2023-more than 22 months. "As detention continues past a year, courts become extremely wary of permitting continued custody absent a bond hearing." *Muse v. Sessions*, 409 F. Supp. 3d 707, 716 (D. Minn. 2018) (collecting cases). In fact, courts have found detention even shorter than a year to be unreasonably prolonged as part of a procedural due process analysis.

In *Demore*, the Supreme Court upheld the constitutionality of section 1226(c), relying on the "very limited time of . . . detention at stake" and noting that "in the majority of cases[, section 1226(c) detention] lasts for less than the 90 days . . . considered presumptively valid in *Zadvydas*." *Demore*, 538

U.S. at 529 & n.12; see id. ("[I]n 85% of the cases in which [noncitizens] are detained pursuant to [section] 1226(c), removal proceedings are completed in an average time of 47 days and a median of 30 days. In the remaining 15% of {2024 U.S. Dist. LEXIS 9} cases, in which the [noncitizen] appeals the decision of the Immigration Judge to the Board of Immigration Appeals, appeal takes an average of four months, with a median time that is slightly shorter." (citations omitted).

Dao's 23 month detention far exceeds the four-month average cited in Demore. The length of Dao's detention therefore supports his argument that his detention without an individualized bond hearing has been unreasonably prolonged.

Second, courts consider the conditions of detention. Whether "the facility for the civil immigration detention is meaningfully different from a penal institution for criminal detention" factors into the reasonableness of Dao's detention. Sajous, 2018 U.S. Dist. LEXIS 86921, 2018 WL 2357266, at *11 (citations omitted). "The more that the conditions under which the [noncitizen] is being held resemble penal confinement, the stronger his argument that he is entitled to a bond hearing." Muse, 409 F. Supp. 3d at 717.

Petitioner has written an affidavit regarding the conditions of confinement. See Exhibit (15-O) (Petitioner's Affidavit in general).

Because of the cells, restraints, and discipline in the SHU, conditions at BFDf certainly "resembles penal confinement" for at least some persons detained there. Muse, 409 F. Supp. 3d at 717. And while the record contains no facts about the particular conditions of Dao 's confinement, he may well have been locked in a cell because, as the government repeatedly highlights, he has a criminal history. So the government has not shown that Dao's detention is "meaningfully different from [detention in] a

penal institution." Sajous, 2018 U.S. Dist. LEXIS 86921, 2018 WL 2357266, at *11. This factor therefore weighs in Dao's favor as well.

Third, courts consider whether the detainee has prolonged his own detention. {2024 U.S. Dist. LEXIS 11}

The Second Circuit has found that this factor weighs against finding detention unreasonable when a noncitizen has "substantially prolonged his stay by abusing the processes provided to him" but not when "an immigrant . . . [has] simply made use of the statutorily permitted appeals process."

Hechavarria v. Sessions, 891 F.3d 49, 56 n.6 (2d Cir. 2018) (first quoting *Nken v. Holder*, 556 U.S. 418, 436, 129 S. Ct. 1749, 173 L. Ed. 2d 550 (2009)). As the Sixth Circuit has noted, "appeals and petitions for relief are to be expected as a natural part of the process. A[] [noncitizen] who would not normally be subject to indefinite detention cannot be so detained merely because he seeks to explore avenues of relief that the law makes available to him." *Ly v. Hansen*, 351 F.3d 263, 272 (6th Cir. 2003) (cited in *Hechavarria*, 891 F.3d at 56 n.6). Indeed, although a[] [noncitizen] may be responsible for seeking relief, he is not responsible for the amount of time that such determinations may take. The mere fact that a[] [noncitizen] has sought relief from deportation does not authorize the [government] to drag its heels indefinitely in making a decision. The entire process, not merely the original deportation hearing, is subject to the constitutional requirement of reasonability.Id.

Although Dao has caused none of the delay in his removal, he has only "abus[ed] the processes provided to him." See *Hechavarria*, 891 F.3d at 56 n.6 (quoting{2024 U.S. Dist. LEXIS 12} *Nken*, 556 U.S. at 436). He requested several continuances so that he could retain legal counsel, and he received two brief extensions of filing deadlines. Otherwise, he has done nothing more than challenge his removal

and appeal the IJ's decision to the BIA and then to the Second Circuit.

The government decisionmakers, in contrast, are collectively responsible for more than 19 months of delay. Therefore, the third factor also weighs in 's Dao's favor.

Finally, courts consider the likelihood that the removal proceedings will result in a final order of removal. This asks the court to weigh the merits of Dao's claims .

After balancing all these factors, this Court finds that Dao's detention has been unreasonably prolonged. Therefore, this Court turns to the second step of the two-part inquiry to determine what remedy his unreasonably prolonged detention demands.

DUE PROCESS

"The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" Mathews, 424 U.S. at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S. Ct. 1187, 14 L. Ed. 2d 62 (1965)). "[I]dentification of the specific dictates of due process generally{2024 U.S. Dist. LEXIS 13} requires consideration of three distinct factors," *id.* at 335, namely: "(A) the private interest affected; (B) the risk of erroneous deprivation of that interest through the procedures used; and (C) the governmental interest at stake." *Nelson v. Colorado*, 581 U.S. 128, 135, 137 S. Ct. 1249, 197 L. Ed. 2d 611 (2017). Here, that analysis leads to the conclusion that Dao's continued detention without an individualized hearing, at which the government must justify his continued detention by clear and convincing evidence, fails to "comport with the 'fundamental fairness' demanded by the Due Process Clause." See *Schall v. Martin*, 467 U.S. 253, 263, 104 S. Ct. 2403, 81 L. Ed. 2d 207 (1984).

Dao's interest in his freedom pending the conclusion of his removal proceedings deserves great "weight and gravity." See *Addington v. Texas*, 441 U.S. 418, 427, 99 S. Ct. 1804, 60 L. Ed. 2d 323 (1979). He has an obvious interest in his "[f]reedom from imprisonment-from government custody, detention, or other forms of physical restraint." See *Zadvydas*, 533 U.S. at 690. Moreover, while "[t]he private interest here is not liberty in the abstract, but liberty in the United States," see *Parra v. Perryman*, 172 F.3d 954, 958 (7th Cir. 1999) (emphasis in original), Dao has not conceded his deportability, and the resolution of that issue remains pending before the Fourth Circuit. In fact, his interest in liberty in the United States must indeed be strong for him to subject himself to unreasonably prolonged detention while contesting his{2024 U.S. Dist. LEXIS 14} deportability. See *Fremont v. Barr*, 2019 U.S. Dist. LEXIS 57296, 2019 WL 1471006, at *6 n.7 (W.D.N.Y. Apr. 3, 2019).

This Court recognizes that the government's interest in detaining Dao also may be strong. The government contends that Dao's risk of flight and disregard for the law justify his continued detention. In fact, Dao is detained under 8 U.S.C. § 1226(c), which applies to noncitizens who fall "into one of several enumerated categories involving criminal offenses and terrorist activities." *Jennings v. Rodriguez*, 583 U.S. 281, 289, 138 S. Ct. 830, 200 L. Ed. 2d 122 (2018).

"[Noncitizens] detained under [that] authority are not entitled to be released under any circumstances other than those expressly recognized by the statute."

In mandating the detention of criminal noncitizens, the statute reflects a congressional purpose of reducing the risk of flight and danger to the community. See *Demore*, 538 U.S. at 518-19 (explaining that Congress found that "deportable criminal [noncitizens] who remained in the United States often

committed more crimes before being removed" and that "20% of deportable criminal [noncitizens] failed to appear for their removal hearings").³ "The government's interest in preventing crime by arrestees is both legitimate and compelling." *Salerno*, 481 U.S. at 749. And general concerns about the risk of flight highlight the government's compelling interest in preserving{2024 U.S. Dist. LEXIS 15} its "ability to later carry out its broader responsibilities over immigration matters." *Doherty v. Thornburgh*, 943 F.2d 204, 211 (2d Cir. 1991).

Finally, in light of the procedures used thus far, there is a significant risk of an erroneous deprivation of Dao's liberty interests. Section 1226(c) prohibits the government from offering a detainee the opportunity to challenge whether he is, in fact, a danger or a flight risk. *Jennings*, 583 U.S. at 303. Now that Dao's detention has become unreasonably prolonged, due process requires some opportunity to be heard "at a meaningful time and in a meaningful manner," *Armstrong*, 380 U.S. at 552, to challenge the statute as applied to him.

An opportunity to be heard in a meaningful manner necessarily requires a hearing that "satisfies the constitutional minimum of fundamental fairness." *Santosky v. Kramer*, 455 U.S. 745, 756 n.8, 102 S. Ct. 1388, 71 L. Ed. 2d 599 (1982) (citation and internal quotation marks omitted). When the government seeks the civil detention of a person to effect a compelling regulatory purpose, it must show by clear and convincing evidence that such detention is necessary to serve that compelling interest. See *Foucha v. Louisiana*, 504 U.S. 71, 81-83, 112 S. Ct. 1780, 118 L. Ed. 2d 437 (1992); *Addington*, 441 U.S. at 432-33; see also *Santosky*, 455 U.S. at 756 (explaining that the "clear and convincing evidence" standard applies "when the individual interests at stake in a . . . proceeding{2024 U.S. Dist. LEXIS 16} are both

'particularly important' and 'more substantial than mere loss of money'" (quoting *Addington*, 441 U.S. at 424)). That standard applies equally here.

To sustain the prolonged detention of a noncitizen subject to removal proceedings based on its general interests in immigration detention, the "[g]overnment [is] required, in a 'full-blown adversary hearing,' to convince a neutral decisionmaker by clear and convincing evidence that no conditions of release can reasonably assure the safety of the community or any person," *Foucha*, 504 U.S. at 81 (quoting *Salerno*, 481 U.S. at 751), or ensure that the noncitizen will appear for any future proceeding.⁴ This also requires consideration of less restrictive alternatives to detention. See *id.*; cf. *United States v. Playboy Ent. Grp., Inc.*, 529 U.S. 803, 816, 120 S. Ct. 1878, 146 L. Ed. 2d 865 (2000) ("When a plausible, less restrictive alternative is offered to a" regulation burdening a constitutional right, "it is the Government's obligation to prove that the alternative will be ineffective to achieve its goals.").

LIMIT ON TRANSFERRING DAO

Dao also has asks this Court to "[e]njoin [the government] from transferring [him] outside the jurisdiction of " this Court "pending the resolution of this case."

Hopefully this Court can in the least conditionally grant Dao's writ, his jurisdictional concerns are not unreasonable.{2024 U.S. Dist. LEXIS 18} After all, "conditional writs 'would be meaningless' if a habeas court could not determine compliance with them and order sanctions accordingly." *Mason v. Mitchell*, 729 F.3d 545, 549 (6th Cir. 2013) (quoting *Satterlee v. Wolfenbarger*, 453 F.3d 362, 368 n.5 (6th Cir. 2006)). But "[i]t is well established that jurisdiction attaches on the initial filing for habeas corpus relief, and it is not destroyed by a transfer of the petitioner and the accompanying custodial change."

Santillanes v. U.S. Parole Comm'n, 754 F.2d 887, 888 (10th Cir. 1985). In other words, regardless of where Dao is housed, this Court retains jurisdiction over his habeas petition. So there is no need to interfere with DHS's authority to "arrange for appropriate places of detention" under 8 U.S.C. § 1231(g). Petitioner asks the courts discretion and mercy in this matter.

**CLAIMS FOR RELIEF
COUNT ONE
STATUTORY VIOLATION**

21. Petitioner re-alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention by Respondent is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the Supreme Court in Zadvydas.

The six-month presumptively reasonable period for removal efforts has expired.

Petitioner still has not been removed, and Petitioner continues to languish in detention.

Petitioner's removal to Vietnam or any other country is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held in Zadvydas and Martinez that

ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

The standard for issuing a Writ of Habeas Corpus which Congress has authorized federal district courts "to grant a writ of habeas corpus whenever a petitioner is 'in custody in violation of the Constitution or laws or treaties{2020 U.S. Dist. LEXIS 14} of the United States,'" Wang v. Ashcroft, 320 F.3d 130, 140 (2d Cir. 2003) (quoting 28 U.S.C. § 2241(c)(3)), including claims by non-citizens challenging their detention without bail. Demore v. Kim, 538 U.S. 510, 516-17, 123 S. Ct. 1708, 155 L. Ed. 2d 724 (2003).

Mandatory Detention Under 8 U.S.C. § 1226(c), under federal immigration law, "[o]n a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Certain classes of aliens are subject to mandatory detention under § 1226(c) and may not, under the text of the statute, be released until the removal proceedings conclude. *Jennings v. Rodriguez*, 138 S. Ct. 830, 847, 200 L. Ed. 2d 122 (2018).

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

23. Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

25. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. Zadvydas recognized that ICE may continue to detain aliens only for a period presumptively reasonable period during which ICE may detain an alien is only six months. Petitioner has already been detained in excess of six months and Petitioner's removal is not significantly likely to occur in the reasonably

foreseeable future. The allegations of a return to the writ of habeas corpus or of an answer . . . if not traversed, shall be accepted as true except to the extent that the judge finds from evidence that they are not true." See, 28 U.S.C. § 2241. "On a petition for a writ of federal habeas corpus, the petitioner bears the burden of proving by a preponderance of the evidence that his constitutional rights have been violated." *Jones v. Vacco*, 126 F.3d 408, 415 (2d Cir. 1997); accord *Grant v. Decker*, No. 20 Civ. 2946, 2020 U.S. Dist. LEXIS 108353, 2020 WL 3402445, at *6 (S.D.N.Y. June 19, 2020). "[I]ssuance of the writ is an extraordinary remedy, granted only in the exercise of a sound judicial discretion." *Pinkney v. Keane*, 920 F.2d 1090, 1094 (2d Cir. 1990) (quotation marks and citation omitted); accord *Dzhabrailov v. Decker*, No. 20 Civ. 3118, 2020 U.S. Dist. LEXIS 91892, 2020 WL 2731966, at *3 (S.D.N.Y. May 26, 2020). In order to establish a violation of a right to substantive due process, a plaintiff must demonstrate not only government action but also that the government action was so egregious, so outrageous, that it may fairly be said to shock the{2020 U.S. Dist. LEXIS 15} contemporary conscience." *Charles v. Orange Cty.*, 925 F.3d 73, 85-86 (2d Cir. 2019) (quotation marks and citations omitted) (holding that civil *Charles v. Orange Cty.*, 925 F.3d 73, 85-86 (2d Cir. 2019) immigration detainees plausibly alleged a Fourteenth Amendment substantive due process claim based on deliberate indifference to medical needs). In this case, respondents simply ignore Mr. Dao's strong interest in his liberty. Petitioner has complied with Department of Homeland Security and Immigration and Customs Enforcement rules and regulations to effectuate removal expeditiously, yet, [he] still awaits removal.

COUNT THREE
PROCEDURAL DUE PROCESS VIOLATION

26. Petitioner re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained.

Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner.

The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to due process.

Further, Respondents have failed to acknowledge or act upon the Petitioners administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates Zadvydas. Petitioner argues that the length of his detention without a bond hearing, which has exceeded twenty two months, is unconstitutional as applied to him and violates his right to due process. Applying the aforementioned factors, Petitioner's detention without a bond hearing is unreasonable. On that basis petitioner should be granted relief.

First, Petitioner has been detained for over 22 months without an individualized bond hearing. "As a rule of thumb,{2020 U.S. Dist. LEXIS 24} courts applying the multi-factor analysis have regarded

detentions exceeding six months without a bond hearing as favoring the finding of a due process violation." *Graham*, 2020 U.S. Dist. LEXIS 107520, 2020 WL 3317728, at *5. Specifically, courts in this District have found a seven-month detention sufficient to show a due process violation. See, e.g., *Sophia*, 2020 U.S. Dist. LEXIS 26110, 2020 WL 764279, at *4 (seven months); *Cabral*, 331 F. Supp. 3d at 261 (same); *Alberto v. Decker*, No. 17 Civ. 2604, 2017 U.S. Dist. LEXIS 202630, 2017 WL 6210785, at *7 (S.D.N.Y. Nov. 21, 2017) (same); *Morris v. Decker*, No. 17 Civ. 2224, 2017 WL 1968314, at *5 (S.D.N.Y. May 11, 2017) (same). This factor weighs in favor of Petitioner.

Second, Petitioner has not unreasonably delayed the proceeding. To the extent that Petitioner's actions have caused any delay, it is only as a result of his efforts to obtain relief from removal. See *Hernandez v. Decker*, No. 18 Civ. 5026, 2018 U.S. Dist. LEXIS 124613, 2018 WL 3579108, at *9 (S.D.N.Y. July 25, 2018) ("[P]ursuit of relief from removal does not, in itself, undermine a claim that detention is unreasonably prolonged."); *Sophia*, 2020 U.S. Dist. LEXIS 26110, 2020 WL 764279, at *4 (finding this factor to weigh in favor of petitioner where "[t]he record indicates that the length of his detention{2020 U.S. Dist. LEXIS 25} is primarily due to his efforts to ensure that he could proceed with legal counsel, his compliance with the Immigration Judge's schedule, and his decision to appeal the final decision concluding that the DHS had established removability."). Petitioner argues that there is evidence that the immigration court or immigration officials were responsible for undue delay these facts could be persuasive; "detention can be unconstitutionally unreasonable even when the Government did not intentionally cause the length and conditions of detention to reach an untenable limit." *Sophia*, 2020 U.S. Dist. LEXIS 26110, 2020 WL 764279, at *4. This second factor also weighs in favor of Petitioner.

The third, fourth and fifth factors also weigh in favor of Petitioner: Petitioner is asserting defenses to his

removal. Sajous, 2018 WL 2357266, at *11 ("The Court need not inquire into the strength of these defenses -- it is sufficient to note their existence and the resulting possibility that the [p]etitioner will ultimately not be removed, which diminishes the ultimate purpose of detaining the [p]etitioner pending a final determination as to whether he is removable."). Petitioner is also detained for the crimes that ICE asserts renders Petitioner removable, and Petitioner is detained{2020 U.S. Dist. LEXIS 26} at a penal institution -- the Buffalo Federal Detention Facility. See Graham, 2020 U.S. Dist. LEXIS 107520, 2020 WL 3317728, at *7 (S.D.N.Y. June 18, 2020) (finding the fourth and fifth factors to weigh in favor of petitioner where petitioner's current detention had lasted twice as long as the sentence he received for his past crimes, and he was being detained in Orange County Jail). Petitioner is detained here in excess of one fifth or more of his conviction time.

The sixth factor -- the nature of the underlying crime -- weighs in favor of Respondents.

Finally, the seventh factor weighs in favor of Petitioner because it is unclear when Petitioner's detention will conclude.

In light of these factors, Petitioner's continued detention without an individualized bond hearing violates his due process rights. Petitioner is entitled to an individualized bond hearing before an IJ to determine whether he is a flight risk or poses a danger to the community such that continued detention is warranted. See Graham, 2020 U.S. Dist. LEXIS 107520, 2020 WL 3317728, at *7 ("At bottom, the minimal burden that a bond hearing would place on the Government is far outweighed by [Petitioner's] interest in ensur[ing] that his continued detention is justified." (quotation marks omitted)).

COURT SHOULD CONSTRUE PETITION LIBERALLY

Defendant-petitioner avers that this motion must be construed liberally and interpreted to raise the strongest arguments they suggest, and should be held to less stringent standards than formal pleadings drafted by lawyers. See, *Erickson v. Pardus*, 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007) and also, *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006)(per curiam).

CONCLUSION

Dao's detention has been unreasonably prolonged. Because section 1226(c) does not require-indeed, does not permit-an individualized hearing in which the government must demonstrate by clear and convincing evidence that no conditions of release can reasonably serve the government's compelling regulatory{2024 U.S. Dist. LEXIS 17} interests in detaining him, and because Dao has not in fact received such a hearing, section 1226(c) is unconstitutional as applied to him. As such, his continued detention violates the Due Process Clause.

Dao must be released unless, the government demonstrates by clear and convincing evidence before a neutral decisionmaker that Dao 's continued detention is necessary to serve a compelling regulatory purpose-such as preventing flight or protecting others or the community. The decisionmaker also must consider-and must address in any decision-whether there is clear and convincing evidence that there are no less-restrictive alternatives to physical detention, including release on bond in an amount the petitioner can reasonably afford, with or without conditions, that also would reasonably address those

same regulatory purposes. Petitioner is seeking, (1) an injunction prohibiting Respondents from moving Petitioner outside the New York State, Buffalo area while the habeas proceedings are pending; (2) an order directing Respondents to release Petitioner immediately for violation of substantive{2020 U.S. Dist. LEXIS 2} due process or, in the alternative, provide him with an individualized bond hearing; and (3) in the event of release, an order enjoining Respondents from re-detaining Petitioner pending the culmination of removal proceedings against him, including all administrative or judicial appeals, barring a violation of standard immigration bond terms. Petitioner avers that detention is causing an irretrievable breakdown in the communication with [his] family and friends, petitioner's children are suffering without their father's presence, and petitioner's wife is extremely distressed and experiencing undue hardship. Petitioner employs this Honorable Court to adjudicate his case within the confines of the interest of justice.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) to "[e]njoin [the government] from transferring [him] outside the jurisdiction of" this Court "pending the resolution of this case.
- 5) Award Petitioner attorney's fees and costs under the equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 6) Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.



Petitioner Signature

Dated: 12-24-2024

Tuan Hoang Dao
A.: 074-481-733

Buffalo Federal
Detention Facility
4250 Federal Drive
Batavia, New York 14020.

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Tuan Hoang Dao caused to be served a true copy of this Habeas Corpus Petition and its accompanying Exhibits, Documents, Judges Order, Affidavit, and Appointment of Counsel on the Western District of New York Federal Court, located at: 2 NIAGARA

SQUARE, Buffalo, N.Y. 14202-3498

I also caused to be served a true copy of above mentioned Documents and Petition, on:

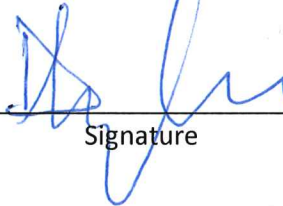
The Chief Counsel of Department of Homeland Security/I.C.E. at 4250 Federal Drive, Batavia, New York, 14020, on 12/24/2024.

Dated: 12/24/2024

Respectfully submitted,

Tuan Hoang Dao

A.: 074-481-733



Signature

Sworn to before me this 26
day of December, 2024.



Aaron A. Stahl
Notary Public, State of New York
Reg. No. 01ST0013537
Qualified in Orleans County
Commission Expires September 14, 2027

NOTICE OF DOCUMENTS IN SUPPORT FOR HABEAS CORPUS

Tuan Hoang Dao
A# 074 481 733
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, New York 14020

NOTICE OF DOCUMENTS IN SUPPORT FOR HABEAS CORPUS

Petitioner's DAO, hereby files the following documents in support for his Habeas Corpus:

Identification Documents


- | | |
|--|-------------|
| 1. Petitioner's Green Card, Drivers License, and Social Security | Exh: (1-A) |
| 2. Petitioner's Note appear warrant of ICE | Exh: (2-B) |
| 3. Copy notice of B.I.A Decision remand back I.J Malfuntion | Exh: (3-C) |
| 4. Copy notice of the B.I.A dismissed | Exh: (4-D) |
| 5. Petitioner's Affidavit in general | Exh: (5-E) |
| 6. Copy of mail between DO Travis and Mr. Dao | Exh: (6-F) |
| 7. Proof of Long Dao's Vietnam Military Service | Exh: (7-G) |
| 8. Copy of Long Dao's Reformatary Camp Release Document | Exh: (8-H) |
| 9. Copy Citizens of Mr. Dao family documents | Exh: (9-I) |
| 10. Copy of petitioner's Nail Salon "VENUS NAILS" | Exh: (10-J) |
| 11. Petitioner's Taxes records from 2011 to 2023 | Exh: (11-K) |
| 12. Petitioner's green card | Exh: (12-L) |
| 13. Copy of Agreement between VN-U.S | Exh: (13-M) |
| 14. Petitioner's permanent 6-26-1996 aproved resident | Exh: (14-N) |
| 15. Petitioner's Affidavit in general | Exh: (15-O) |

A

No: **24 902 394** Dups: **00**
DOB: **12/31/1971** Sex: **M**
Class: **C** Eyes: **BLK**
Endorse: **----** Height: **5'07"**
Com/Med Rstr: ***/***
Issued: **09/28/2002**
Expires: **01/01/2007**

Tuan H Dao

TUAN H DAO
833 FLORIDA AVE
YORK PA 17404



SOCIAL SECURITY

165-71-2300

THIS NUMBER HAS BEEN ESTABLISHED FOR

TUAN H DAO

Tuan H Dao

SIGNATURE

B

Uploaded on: 2/6/2023 at 10:34:13 a.m. (Eastern Standard Time) Base City: BOS

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. 074 481 733Date: 09/12/2022

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that DAO, TUAN is removable from the United States. This determination is based upon:

- ☒ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☒ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

[Signature]
(Signature of Authorized Immigration Officer)

C 0311 ENGLISH - SDDO
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at BRIDGEWATER, MA
(Location)

on DAO, TUAN on February 1, 2023, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the ENGLISH language.
(Language)

B. 7656 SULLIVAN
DO

[Signature]
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Uploaded on: 2/6/2023 at 10:36:21 a.m. (Eastern Standard Time) Base City: BOS

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATIONAlien's Name: DAO, TUAN HOANGA-File Number: 074 481 733Date: 02/01/2023Event ID: BOS2208000824Subject ID: 379294829

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- ☒ Detained by the Department of Homeland Security.
- ☐ Released (check all that apply):
- ☐ Under bond in the amount of \$ _____
- ☐ On your own recognizance.
- ☐ Under other conditions. [Additional document(s) will be provided.]

ENGLISH, C 0311

02/01/2023 12:16 PM

[Signature]
Name and Signature of Authorized Officer

Date and Time of Custody Determination

SDDO

Title

District Ave Burlington, MA US 01803

Office Location/Address

You may request a review of this custody determination by an immigration judge.

- ☒ I acknowledge receipt of this notification, and
- ☒ I do request an immigration judge review of this custody determination.
- ☐ I do not request an immigration judge review of this custody determination.

[Signature]
Signature of Alien2/1/23
Date

The contents of this notice were read to DAO, TUAN HOANG in the ENGLISH language.
(Name of Alien) (Name of Language)

SULLIVAN, B. 7656

[Signature]
Name and Signature of Officer

Name or Number of Interpreter (if applicable)


DO

Title

Uploaded on: 2/6/2023 at 10:34:13 a.m. (Eastern Standard Time) Base City: BOS

U.S. Department of Homeland Security

Continuation Page for Form I-200

Alien's Name DAO, TUAN HOANG	File Number 074 481 733 Event No: BOS2208000824	Date 02/01/2023
OTHER ALIASES KNOWN BY ----- Dao, Tuan		
Signature  C 0311 ENGLISH		Title SDDO

2 of 2 Pages

C



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

5107 Leesburg Pike, Suite 2000

Falls Church, Virginia 22041

DAO, TUAN HOANG
A 074481733
BUFFALO SPC
4250 FEDERAL DRIVE
BATAVIA NY 14020

DHS/ICE Office of Chief Counsel - BTV
4250 Federal Dr.
Batavia NY 14020

Name: DAO, TUAN HOANG

A 074-481-733

Date of this Notice: 3/29/2024

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Tuan Hoang DAO, A074-481-733

Respondent

FILED
Mar 29, 2024

ON BEHALF OF RESPONDENT: Siana J. McLean, Esquire

IN REMOVAL PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Batavia, NY

Before: Hunsucker, Appellate Immigration Judge

HUNSUCKER, Appellate Immigration Judge

The respondent, a native and citizen of Vietnam, has appealed from the Immigration Judge's November 2, 2023, decision denying his application for deferral of removal under the regulations implementing the Convention Against Torture ("CAT"). 8 C.F.R. §§ 1208.16(c)-1208.18. Our review of the record shows that the recording equipment malfunctioned while the Immigration Judge was rendering his oral decision and that the transcript of his decision is incomplete. As we consider a complete transcript of the Immigration Judge's decision necessary for our review of this matter, we will return the record to the Immigration Court for further action. Upon receipt of the record, the Immigration Court shall take such steps as are necessary and appropriate to enable preparation of the complete transcript of the Immigration Judge's decision, to include the issuance of a new decision if necessary. Under the circumstances, it would be premature to address the respondent's appellate arguments at this time.

Accordingly, the following order will be issued.

ORDER: The record is returned to the Immigration Court for further action as appropriate and certification to the Board by the Immigration Judge thereafter.

D



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

5107 Leesburg Pike, Suite 2000

Falls Church, Virginia 22041

DAO, TUAN HOANG

A 074481733

4250 Federal Drive

Batavia NY 14020

DHS/ICE Office of Chief Counsel - BTV

4250 Federal Dr.

Batavia NY 14020

Name: DAO, TUAN HOANG

A 074-481-733

Date of this Notice: 9/13/2024

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr

Donna Carr

Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Tuan Hoang DAO, A074-481-733

Respondent

FILED

Sep 13, 2024

ON BEHALF OF RESPONDENT: Siana J. McLean, Esquire

IN REMOVAL PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Batavia, NY

Before: Hunsucker, Appellate Immigration Judge

HUNSUCKER, Appellate Immigration Judge

The respondent, a native and citizen of Vietnam, appeals from the Immigration Judge's May 21, 2024, decision denying the respondent's request for protection under the regulations implementing the Convention Against Torture¹ ("CAT"). See 8 C.F.R. §§ 1208.16(c)-1208.18. The appeal will be dismissed.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under the de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

The respondent fears torture from the Vietnamese government. In 1988, authorities detained the respondent for 4 or 5 days without food or water after he refused to join the military, during which time they tied him up and beat for 10 to 15 minutes (IJ at 8-9; Tr. at 79-84). After his release, he continued living in Vietnam until 1995, when he and his family were admitted into the United States as refugees and granted lawful permanent residence (IJ at 1; Tr. at 106). Then, during a return trip to Vietnam in 2011, Vietnamese authorities again detained the respondent, confiscated his green card and attempted to solicit a bribe from him, and prevented from returning to the United States after he refused, accusing him and his family of being anti-government (IJ at 9; Tr. at 86-88). They then detained the respondent for 4 days and beat him for 5 to 10 minutes before his uncle negotiated his release (IJ at 9; Tr. at 88-90, 114).

The Immigration Judge denied the respondent's application, concluding that he did not experience past harm rising to the level of torture (IJ at 8-10). Additionally, the Immigration Judge

¹ The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994).

A074-481-733

found that the respondent did not establish a likelihood of future torture (IJ at 10-13). The respondent challenges these determinations on appeal (Respondent's Br. at 4-114).

We affirm the Immigration Judge's determination that the past harm the respondent experienced does not amount to torture (IJ at 8-10). Torture is an "extreme form of cruel and inhuman treatment" that requires "severe pain or suffering." 8 C.F.R. § 1208.18(a)(1)-(2). It "requires proof of something more severe than the kind of treatment that would suffice to prove persecution." *Kyaw Zwar Tun v. U.S. INS*, 445 F.3d 554, 567 (2d Cir. 2006). Here, assuming, arguendo, that the past incidents of harm were not the result of lawful sanctions, we affirm the Immigration Judge's determination that these incidents were not so extreme or severe so as to amount to torture (IJ at 8-9). *Id.*; 8 C.F.R. § 1208.18(a)(1)-(2). As observed by the Immigration Judge, the respondent did not experience significant physical harm or lasting injuries during the beatings or as a result of the deprivation of food and water, and these detentions were relatively brief, lasting 4 to 5 days each (IJ at 8-9). *Id.*

Even assuming arguendo that the harms the respondent suffered years ago were deemed to rise to the level of torture, the respondent has not shown clear error in the Immigration Judge's finding that he has not established a likelihood of torture in the future. *See Matter of Z-Z-O-*, 26 I&N Dec. 586, 590 (BIA 2015) (explaining that predictive findings of what may or may not occur in the future are findings of fact subject to a clearly erroneous standard of review); *see also Matter of M-F-O-*, 28 I&N Dec. 408, 414 (BIA 2021) (quoting *Barajas-Romero v. Lynch*, 846 F.3d 351, 363 (9th Cir. 2017), and explaining that CAT protection "is forward-looking, requiring the applicant prove that it is more likely than not that he would be tortured if he were removed to the proposed country.")).

The Immigration Judge found that while "it is not out of the question that it is more likely than not that the respondent may be surveilled upon arrival to Vietnam or investigated," the respondent has not shown that the government would thereafter seek him out for harm rising to the level of torture (IJ at 11). *See Matter of J-F-F-*, 23 I&N Dec. 912, 917-18 (2006) (holding that CAT eligibility cannot be established by stringing together a series of suppositions to show that it is more likely than not that torture will result where the evidence does not establish that each step in the hypothetical chain of events is more likely than not to happen).

Of particular significance, despite being accused of being anti-government during both detentions, the respondent lived unharmed in Vietnam after the 1988 incident until he left in 1995 (IJ at 1; Tr. at 106-07). Additionally, with respect to the 2011 incident, he was ultimately released and permitted to leave Vietnam and return to the United States. *See Matter of J-F-F-*, 23 I&N Dec. at 917-18; *see also Suzhen Meng v. Holder*, 770 F.3d 1071, 1073 (2d Cir. 2014) (holding that the petitioner did not establish a likelihood of future torture where she was previously detained for 14 days and beaten, but remained in her native country unharmed for more than 10 months after her release, was allowed to leave the country, and had family remaining in the country unharmed); *Hua Shen Ou v. Mukasey*, 270 F. App'x 42, 45 (2d Cir. 2008) ("[T]he fact that [the petitioner] experienced some harm while in detention did not establish that it was more likely than not that he would face torture if returned to" his native country).

A074-481-733

While the respondent argues that the country conditions evidence establishes that the Vietnamese government is falsely detaining similarly situated individuals “and torturing them because of their attempt to advocate for their rights,” he has not established that he likely to be a political advocate upon his return to Vietnam, nor has he established that the torture of individuals perceived as anti-government is so widespread as to amount to a likelihood that he will be tortured (Exh. 8; Respondent’s Br. at 16-17). We therefore discern no clear error in the Immigration Judge’s finding that the respondent has not shown that he is more likely than not to face harm amounting to torture in the event of his removal to Vietnam. *See Brnovich v. Democratic Nat’l Cmte.*, 141 S. Ct. 2321, 2349 (2021) (explaining that if the trier of fact’s “view of the evidence is plausible in light of the entire record, an appellate court may not reverse even if it is convinced that it would have weighed the evidence differently in the first instance.”); *Cooper v. Harris*, 137 S. Ct. 1455, 1468, 1474 (2017) (stating that under clear error review, reversal is appropriate only when “left with the definite and firm conviction that a mistake has been committed” (internal citation omitted)).

Accordingly, the following order will be entered.

ORDER: The appeal is dismissed.

E

Tuan Hoang Dao
A# 074-481-733
Buffalo Federal Detention Facility
4250 Federal Dr
Batavia, NY 14020

Petitioner's Affidavit

I am Tuan Hoang Dao, and I write this affidavit to the best of my knowledge and experience, not only from my experiences here, but I have witnessed in the past twenty two months. I have been ICE custody since February 1th, 2023 until today over 22 months. ICE placed me at Plymouth Detention Center in Plymouth, Massachusetts they held me over there for 50 days in a single cell, I only have 2 T-shirts, 2 boxers, 1 sheet, and 1 blanket. There they let me go out the cell 4 or 6 hours a day and recreation 3 times a week and one hour for each day that entire time when I was there.

On March 21th, 2023 I was transferred to Buffalo Federal Detention Facility at 4250 Federal Dr in Batavia, NY 14020. I'm in this facility 21 months and this 21 months here I have felt so exhausted because of restrictions and non-movement.

This facility has six dorm units are open-dorm style but two others for detainees with criminal histories, I got locked in the unit like in a cage, the door is shut and locked 24/7 unless I have to go to medical or court or lawyer visit or go to hospital. I'm also not allow to get a job work outside the unit because of criminal history, I only can work in the unit.

Everyday I have to get up early 5:30 AM to work, I do multiple things like clean the tables, telephone poll, take the trash out, serve breakfast, lunch, and dinner. They pay me \$5 dollars per week, commissary is very expansive a small bag coffee now \$5.75 dollars the money I get payed is not enough for me to buy a small bag of coffee. Further, if I don't work then they threaten to take the tablet or turn the TV off so you can not watch TV or use the video visit call to contact your family.

Moreover the lieutenant here would not allow me to take the Independance holiday off lieutenant says that because I am a [noncitizen] I can't take a day off to celebrate the holiday so they forced me work, if I don't work then I get fired, there are no law or rule that band [noncitizens] to celebrate the Independance Day "Holiday" this is a Human Rights issue why I can not celebrate the holiday in remembrance of American heros whom are friends with my family and fought alongside during Vietnam War. The way BFDF treats I feel like I am discriminated, forced for laberwork or human trafficking.

On November 04, 2024 I went to hospital the BFDF officer made me walk around the parking lot and crossed over the street back and forth about a quarter mile to entrance and into the hospital with a chain handcuffs and legcuffs. I go into the hospital for my treatments and I am an immigrant, I am not a slave or prisoner, I came to the BFDF for immigration proceedings I did not come to this facility for criminal charges.

Furthermore, during the test I was sleeping because they put anesthesia to make me sleep. In the procedure room getting treatments and tested, after the test finished and I was waiting to recover, the BFDF officer Mr. Mellen and Mr. Hall rushed to bring me back to the facility. At that time I was not yet recovered I'm still sleeping and I was feeling too dizzy, I can't walk and can't even put my clothes back on, the nurse told them just wait for him to recover and then can take him back there later, but the two of them didn't care about it.

The BFDF activities are no good here, there are no movement, no recreation, also food and medical care very poor the yard is about 1900 sq feet for 64 individuals and just open in the morning or after noon there is no yard recreation for after 4:00 PM and the winter its closed all time I get locked in the unit, the yard is not safe because they have a big drain in middle of the yard, the breakfast food always cold cereal never warm food at all, everyday they have the same cereal and sweet stuff nothing else different. There are fruit flies everywhere they are on our bed area, on the tables we eat on and even where the food is served the facility seems to not care about this problem it is unhealthy, hair cut every others three months.

Also more than that the restroom is too wide open and nothing to cover yourself, it is uncomfortable when your using the restroom, especially when the female officer is working in the unit and also the restroom is right on the walkway so that people could see through the opening.

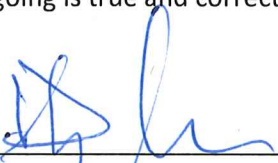
I have saw detainees selling and using drugs, I have to smell K-2, marijuana or tobacco smoke all day as well as other intoxicants and opiates, I have itchy eyes, running nose and bleeding. I can't breathe because of these things effecting my health. I have asthma and I need to use an inhaler to breathe. (see: Exh AA) (copy of inhaler medication)

Every other week people are stealing and fight over the poker table and drugs, chasing each other. Every month at least a few cases of O.D having to need medical assistance even needing to go to the hospital. In November between the 18 and 23 there has been 2 cases of O.D, as staff has not implemented any regulations to prevent these substances from entering the facility, even the Lieutenant. On December 7, 2024 two Lieutenants saw them smoking K-2 but they didn't say anything about it. This facility treats me and other detainees like were in a maximum security prison.

Furthermore BFDF is not allowing any [non-citizen] detainees to take any outside documents from family or friend or non-legal representative visitors, even if you get a copy that is against our rights and illegal to open the mail because some of document it's personal information, driver licence number or social security or bank account number. I am an immigrant detainee, I am not a prisoner. Why aren't we allowed to take any documents or mail from the outside. Some of the mail can be family or friend support letters for our immigration proceedings.

As my mentalhealth, I have to see a doctor for every month and taking medication everyday to restrain my mentalhealth. I never saw a mentalhealth doctor or took medication before, but now I have to take it and see a doctor for my mentalhealth. Because the government held me so long, my brain is strained, pain, and cause stress, because restrictions here at Buffalo Federal Detention Facility.

I declare under the penalty of perjury under the law of the United States of America, that the foregoing is true and correct.



Signature

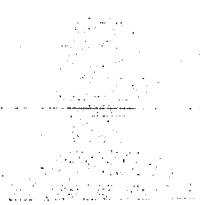
Date: 12-26-24

Tuan Hoang Dao
A: 074-481-733
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, NY 14020

Aaron A. Stahl
12/26/24

Aaron A. Stahl
Notary Public, State of New York
Reg. No. 01ST0013537
Qualified in Orleans County
Commission Expires September 14, 2027

F

Request #421774651**Profile Photo:****Audit Photo:****Resident Info**

Name: Tuan Dao (1971-12-31)
 Booking Number: 074481733
 Nationality: VN
 Submitted Date: 02/15/24 08:58
 Submitted Room: B-2,059/B2
 Current Room: B-2,059/B2
 Facility: Buffalo, NY
 MAC ID: CCB8A89A48F9
 Device ID: CCB8A89A48F9

Form Info

Category: ICE
 Form: ICE Detainee Request
 Internal Tag: No Tag

Request Info

Status: CLOSED by J. Travis
 Facility Deadline: 02/20/24 23:59

Summary of Request:

Release information

Details of Request:**What is your Country of Citizenship?:**

Other

Please choose from the below options.:

select below

Deportation Officer

What are you requesting?:

Be specific

Dear: officer Travis I Tuan Hoang Dao how are you? Here is my address:

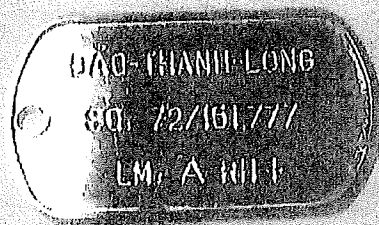
4118 Trowbridge Road

York, PA 17402

Telephone number is (717)600-2370 home and (717)747-4833 cell number you can call her at any time, if she can't answer please leave to her a message she will call you right back please let me know and my A # 074 481 733 the country Vietnam. Thank you!

DATE/TIME	USER	ACTION	DETAILS
11/20/24 07:30	Tuan Dao	Viewed Staff Response	
11/20/24 07:12	Tuan Dao	Viewed Staff Response	
11/20/24 07:12	Tuan Dao	Viewed Staff Response	
11/05/24 07:55	Tuan Dao	Viewed Staff Response	
11/05/24 07:55	Tuan Dao	Viewed Staff Response	

G





2025-01-16

Exh. 2 - Acha.

H

MINISTRY OF HOME AFFAIRS
PENITENTIARY ADMINISTRATION AGENCY
THU DUC REFORMATORY CAMP
No. 605 / GRT

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness
-----X-----

REFORMATORY CAMP RELEASE

Pursuant to Directive No. 316 / TTg dated August 22nd, 1977 of Prime Minister of the Government of Socialist Republic of Vietnam on Policies Applicable to Soldiers and Governmental Officials of the Former Regime and Members of Reactionary Parties Who Have Been Detained in Reformatory Camps.

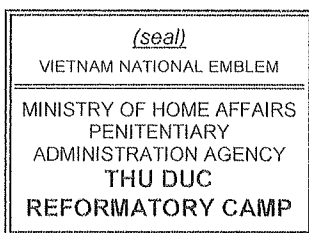
Pursuant to Inter-Ministerial Circular No. / 1, of Ministry of National Defense and Ministry of Home Affairs on the Implementation of Directive No. 316 / TTg dated August 22nd, 1977 of Prime Minister of the Government.

In implementation of Release Decision No. 120 dated August 25th, 1980 of Minister of Ministry of Home Affairs.

THIS REFORMATORY CAMP RELEASE IS GRANTED HEREBY TO

- Full name: **DAO THANH LONG.**
- Date of birth: In 1952.
- Native land: Saigon City.
- Residence: No. 309/38 Su Van Hanh St., District 10, HO CHI MINH City.
- Military I.D., Rank, Position in the Former Government / Military Systems or in other Political Reactionary Organizations:
Junior Lieutenant, Deputy Company Commander, Territorial Army.
- It is required that the above-mentioned person must directly present this Reformatory Camp Release to the Village / Ward People's Committee and Police Station of Truong Ninh Hamlet, Truong Xuan Village, District: O Mon, Province / City: Hau Giang and strictly comply with applicable stipulations of the People's Committee of the Provincial / City concerned on Probation Surveillance, Residence and other Administration affairs.
- Probation surveillance period: 06 months (six months).
- Travel duration: 05 days (since the signing date of this Release) with money and food provided for his / her trip from the camp to his / her family.

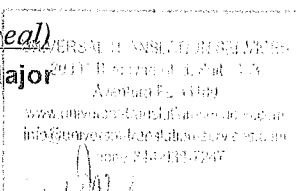
Right Index Finger Print
of: **DAO THANH LONG**
(A fingerprint)



Date: September 02nd, 1980

SUPERINTENDENT

(Signature and seal)
DOAN MANH, Major



Signature of the Release Grantee

(Signature)

BỘ NỘI VỤ
CỤC. Q. L. T. G
Trại Thủ Đức
Số 605/GRT

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự Do - Hạnh Phúc.

HIỆY RA TRẠI

Căn cứ chỉ thị số 316/Tg ngày 22-8-1977 của Thủ tướng chính phủ nước cộng hòa xã hội chủ nghĩa Việt Nam về chính sách đối với binh sĩ, nhân viên các cơ quan chính quyền của chế độ cũ và đảng phái phản động hiện đang bị tập trung cải tạo.

Căn cứ thông tư liên Bộ Quốc phòng - Nội Vụ số ngày về việc thực hiện chỉ thị số 316/TTg ngày 22-8-1977 của Thủ tướng chính phủ.

Thi hành quyết định của số: 120 Ngày 25 tháng 8 năm 1980 của Bộ trưởng Bộ Nội Vụ.

CẤP GIẤY RA TRẠI

- Họ và tên: *Đào Thanh Long*

Ngày, tháng, năm sinh: *1952*

Quê quán: *Sài Gòn*

Trú quán: *309/38 K Van Kerk, Quận 10, TP. Hồ Chí Minh*

Số lính cấp bậc, chức vụ trong bộ máy chính quyền, quân sự và các tổ chức chính trị, phản động của chế độ cũ.

Khi về phải trực tiếp trình ngay giấy này với ủy ban nhân dân và công an xã phường: Ấp Suối Ninh, Truong Xuân

- Khi về phải trực tiếp trình ngay giấy này với ủy ban nhân dân và công an xã phường: *Ấp Suối Ninh, Truong Xuân*

Thuộc Huyện quận: *Ô Môn* Tỉnh, Thành phố: *Thái Giang*

và phải tuân theo các quy định của ủy ban nhân dân Tỉnh, Thành phố về việc quản chế, về nơi cư trú và các mặt quản lý khác.

- Thời hạn quản chế: *06 tháng (Sáu tháng)*

- Thời hạn đi đường: *05 Ngày* (Kể từ ngày ký giấy ra trại)
Tiền và lương thực đi đường sẽ cấp từ trại về đến gia đình.

Ngày 02 tháng 9 năm 1980

GIÁM TRỊ

Lên tay ngón trỏ phải

Của: *Đào Thanh Long*

Người được cấp
giấy ký

Chí



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LIBRARY
280 UNIVERSITY AVENUE
LOS ANGELES, CALIF. 90024
U.S.A.

↓

I

39



Type / Type / Tipo Code / Code / Código Passport No. / No. du passeport / No. do passaporte

1

DAO

LONG THANH

UNITED STATES OF AMERICA

01 Jan 1952

VIETNAM

12 Jun 2013

11 Jun 2023

SEE PAGE 27

Sex / Sexe / Sexo : 1000

N

Authority / Autorité / Autoridad

United States

Department of State

[illegible]

038635354USA5201019M2306119256332311<565666



Type / Type / Type

F

Surname / Name / Address

DUONG

Given Names / Prénoms / Nombres

MAI VAN THI

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

Date of birth / Date de naissance / Fecha de nacimiento

31 Dec 1950

Place of birth / Lieu de naissance / Lugar de nacimiento

VIETNAM

Date of issue / Date de délivrance / Fecha de expedición

17 Jun 2013

Date of expiration / Date d'expiration / Fecha de caducidad

16 JUN 2023

Endorsements / Mentions Spéciales / Agradaciones

SEE PAGE 27

Colle / Coljgo, Passport No. / d d

USA

Passport No. 123456789

FOIA 2812

Sex / Sexe / Sexo

Authority / Autorité / Autoridad

United States
Department of State

P<USADUONG<<MAI<VAN<THI<<<<<<<<<<<<<<<<<<
0039281219USA501231OF2306164256476252<765034

U.S.C.I.S. Registration No. A074481731

Personal description of holder as of date of issuance of this certificate: Sex **MALE**; Date of birth **NOVEMBER 20, 1984**
 Height 5 feet 7 inches; Marital status **SINGLE**; Country of birth **VIETNAM**

I certify that the description above given is true, and that the photograph affixed hereto is a likeness of me

Hieu Dao

(Complete and true signature of holder)

Be it known that:
HIEU TRONG DAO

now residing at **YORK, PENNSYLVANIA**

having applied to the Director of U.S. Citizenship and Immigration Services for a certificate of citizenship pursuant to Section 311 of the Immigration and Nationality Act, having proved to the satisfaction of the Director that (s)he is now a citizen of the United States of America, became a citizen thereof on **JULY 3, 2001** and is now in the United States.

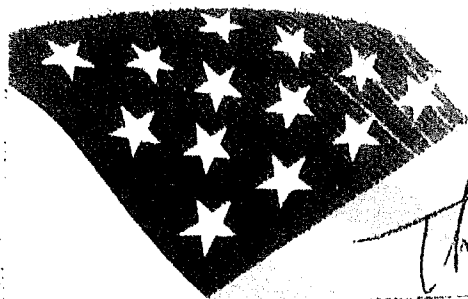
Now Therefore, in pursuance of the authority contained in Section 311 of the Immigration and Nationality Act, this certificate of citizenship is issued this **21st** day of **MAY** **TWO THOUSAND THIRTEEN** and the seal of the Department of Homeland Security affixed pursuant to statute.

Alvin M. Meyer, Director

U.S. Citizenship and Immigration Services

DEPARTMENT OF HOMELAND SECURITY

*Of the United States,
in Order to form a more perfect Union,
establish Justice, insure domestic Tranquility,
provide for the common defence,
promote the general Welfare, and secure
the blessings of Liberty to ourselves and
our Posterity, do ordain and establish this
Constitution for the United States of America.*



Tha

SIGNATURE OF BEARER / SIGNATURE DU TITULAIRE / FIRMA DEL TITULAR

PASSPORT
PASSEPORT
PASAPORTE

UNITED STATES OF AMERICA

Type / Type / Typa / Тип / Tipo / Codine Passport No. / N° du Passeport / No. de Pasaporte

F

575480448

Surname / Nom / Apellidos

DAO

Given Names / Prénoms / Nombres

THAO TRONG

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

Date of birth / Date de naissance / Fecha de nacimiento

10 May 1988

Place of birth / Lieu de naissance / Lugar de nacimiento

VIETNAM

Date of issue / Date de délivrance / Fecha de expedición

07 Jun 2017

Date of expiration / Date d'expiration / Fecha de caducidad

06 Jan 2027

Enseñanzas y Momentos Especiales / Anotaciones

SEE PAGE 27


Sex / Sexe / Sexo

M

Authority / Autorité / Autoridad

United States

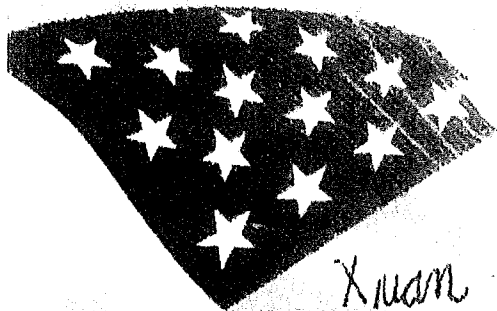
Department of State

[illegible]

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804481USA880510RM370602

*Of the United States,
in Order to form a more perfect Union,
establish Justice, insure domestic Tranquility,
provide for the common defence,
promote the general Welfare, and secure
the Blessings of Liberty to ourselves and
our Posterity, do ordain and establish this
Constitution for the United States: 1787*



Xuan - Mai Dao

SIGNATURE OF BEARER / SIGNATURE DU TITULAIRE / FIRMA DEL TITULAR

PASSPORT
PASSEPORT
PASAPORTE

UNITED STATES OF AMERICA

Type / Type / Tipo Code / Código Passport No. / No. du

P

USA

575480447

Surname / Nom / Apellido

DAO

Given Names / Prénoms / Nombres

XUAN-MAI THI

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

Date of birth / Date de naissance / Fecha de nacimiento

29 Apr 1990

Place of birth / Lieu de naissance / Lugar de nacimiento

VIETNAM

Date of issue / Date de délivrance / Fecha de expedición

07 Jun 2017

Date of expiration / Date d'expiration / Fecha de caducidad

07 Jun 2022

Authority / Autorité / Autoridad

Sex / Sexe / Sexo

F

Authority / Autorité / Autoridad

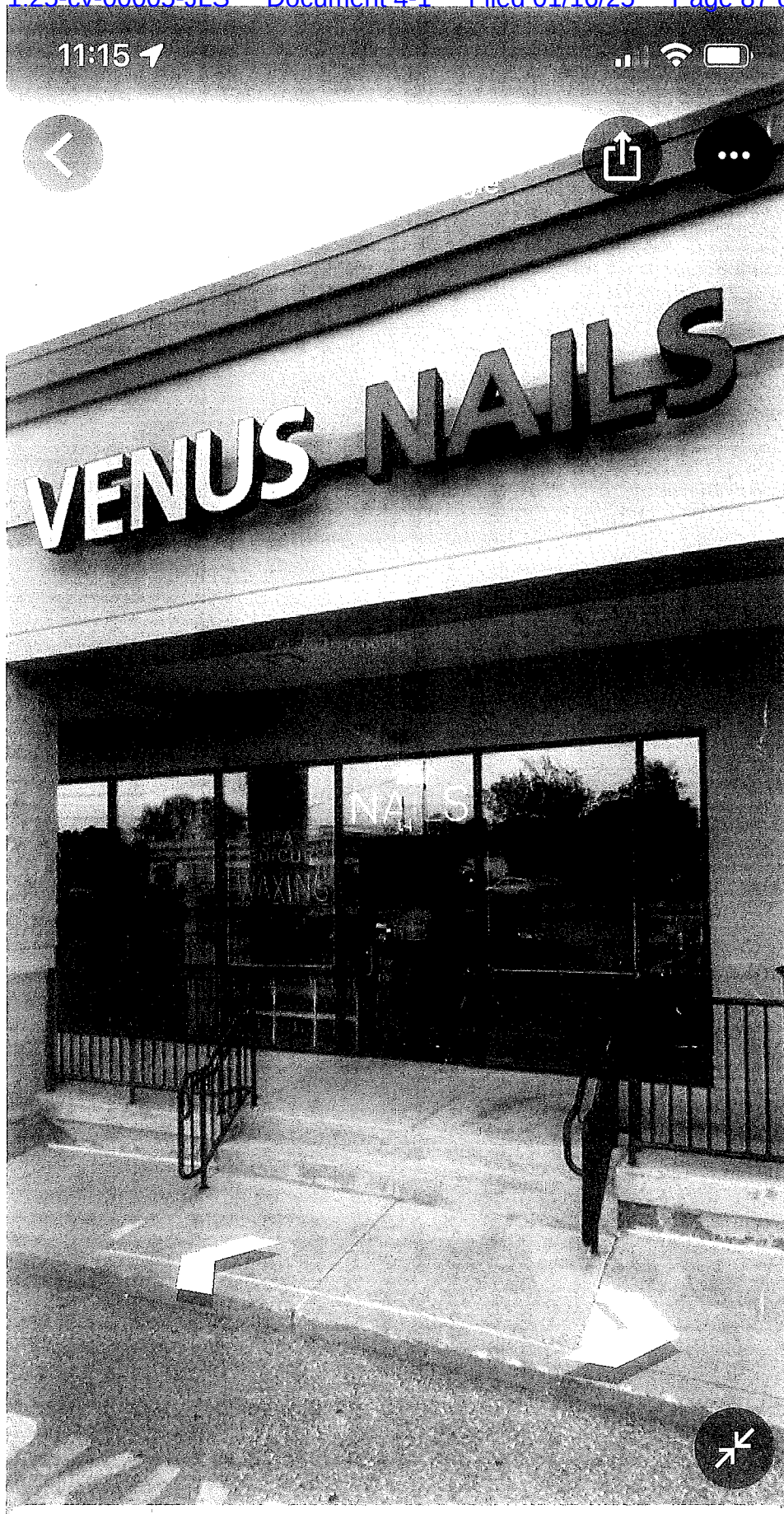
United States

Department of State



USADAO<<XUAN<MAI<THI

J



East York, Pennsylvania

4 months ago

Venus Nails

*Acrylic Gel - Solar Nails
Sculpted Nails - Pink & White
U.V. Pink & White Crystallize Gels
Professional Nail Care & Designs*

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*2801 East Market Street
York, PA 17402*

*Hours
Mon-Fri 10-7
Saturday 9-6*



K

1040 Department of the Treasury - Internal Revenue Service (99)		U.S. Individual Income Tax Return 2011		OMB No. 1545-0074	IRS Use Only-Do not write or staple in this space.																				
For the year Jan. 1-Dec. 31, 2011, or other tax year beginning 2011, ending 20					See separate instructions.																				
Your first name and initial TUAN		Last name DAO		Your social security number 165-76-2300																					
If a joint return, spouse's first name and initial HUNG		Last name HUYNH		Spouse's social security number 191-62-4444																					
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD					Apt. no. Make sure the SSN(s) above and on line 6c are correct.																				
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). YORK PA 17402																									
Foreign country name		Foreign province/county		Foreign postal code																					
Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse																									
Filing Status Check only one box. 1 <input type="checkbox"/> Single 2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here. PA 17402 4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. 5 <input type="checkbox"/> Qualifying widow(er) with dependent child																									
Exemptions 6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a b <input checked="" type="checkbox"/> Spouse c Dependents: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>(1) First name</th> <th>Last name</th> <th>(2) Dependent's social security number</th> <th>(3) Dependent's relationship to you</th> <th>(4) If child under age 17 qualifying for child tax credit (see instructions)</th> </tr> </thead> <tbody> <tr> <td>DANH</td> <td>DAO</td> <td>188-82-8830</td> <td>SON</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>VI</td> <td>DAO</td> <td>180-80-1790</td> <td>DAUGHTER</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>HAO</td> <td>DAO</td> <td>199-78-5364</td> <td>SON</td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table> If more than four dependents, see instructions and check here <input type="checkbox"/> d Total number of exemptions claimed 5						(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) If child under age 17 qualifying for child tax credit (see instructions)	DANH	DAO	188-82-8830	SON	<input checked="" type="checkbox"/>	VI	DAO	180-80-1790	DAUGHTER	<input checked="" type="checkbox"/>	HAO	DAO	199-78-5364	SON	<input checked="" type="checkbox"/>
(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) If child under age 17 qualifying for child tax credit (see instructions)																					
DANH	DAO	188-82-8830	SON	<input checked="" type="checkbox"/>																					
VI	DAO	180-80-1790	DAUGHTER	<input checked="" type="checkbox"/>																					
HAO	DAO	199-78-5364	SON	<input checked="" type="checkbox"/>																					
Income Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld. If you did not get a W-2, see instructions. Enclose, but do not attach, any payment. Also, please use Form 1040-V.																									
7 Wages, salaries, tips, etc. Attach Form(s) W-2 8a Taxable interest. Attach Schedule B if required b Tax-exempt interest. Do not include on line 8a 9a Ordinary dividends. Attach Schedule B if required b Qualified dividends 10 Taxable refunds, credits, or offsets of state and local income taxes 11 Alimony received 12 Business income or (loss). Attach Schedule C or C-EZ 13 Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/> 14 Other gains or (losses). Attach Form 4797 15a IRA distributions 16a Pensions and annuities 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 18 Farm income or (loss). Attach Schedule F 19 Unemployment compensation 20a Social security benefits 21 Other income 22 Combine the amounts in the far right col for lines 7 through 21. This is your total income					7 8a 9a 10 11 12 34,216 13 14 15b 16b 17 18 19 20b 21 22 34,216																				
Adjusted Gross Income 23 Educator expenses 24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 25 Health savings account deduction. Attach Form 8889 26 Moving expenses. Attach Form 3903 27 Deductible part of self-employment tax. Attach Schedule SE 28 Self-employed SEP, SIMPLE, and qualified plans 29 Self-employed health insurance deduction 30 Penalty on early withdrawal of savings 31a Alimony paid b Recipient's SSN 32 IRA deduction 33 Student loan interest deduction 34 Tuition and fees. Attach Form 8917 35 Domestic production activities deduction. Attach Form 8903 36 Add lines 23 through 35 37 Subtract line 36 from line 22. This is your adjusted gross income.					23 24 25 26 27 2,416 28 29 30 31a 32 33 34 35 36 2,416 37 31,800																				

<div style="display: flex; justify-content: space-between;"> Form 1040 Department of the Treasury - Internal Revenue Service (99) 2012 </div> <div style="text-align: center; font-weight: bold; font-size: 1.2em;">U.S. Individual Income Tax Return</div>		OMB No. 1545-0074 IRS Use Only-Do not write or staple in this space.	
For the year Jan. 1-Dec. 31, 2012, or other tax year beginning 2012, ending 20			
Your first name and initial TUAN		Last name DAO	
If a joint return, spouse's first name and initial HUNG		Last name HUYNH	
Home address (number and street). 4118 TROWBRIDGE RD		Apt. no.	
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). YORK PA 17402		Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse	
Foreign country name		Foreign province/state/country Foreign postal code	
Filing Status 1 <input type="checkbox"/> Single 2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here.		4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. 5 <input type="checkbox"/> Qualifying widow(er) with dependent child	
Exemptions 6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a b <input checked="" type="checkbox"/> Spouse c Dependents:		Boxes checked on 6a and 6b: 2 No. of children on 6c who: • lived with you: 3 • did not live with you due to divorce or separation (see instructions): Dependents on 6c not entered above: 5	
(1) First name Last name DANH DAO VI DAO HAO DAO		(2) Dependent's social security number 188-82-8830 180-80-1790 199-78-5364	
(3) Dependent's relationship to you SON DAUGHTER SON		(4) Chk if child under age 17 qualifying for child tax credit (see instructions) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
d Total number of exemptions claimed		5	
Income 7 Wages, salaries, tips, etc. Attach Form(s) W-2 8a Taxable interest. Attach Schedule B if required b Tax-exempt interest. Do not include on line 8a 9a Ordinary dividends. Attach Schedule B if required b Qualified dividends 10 Taxable refunds, credits, or offsets of state and local income taxes 11 Alimony received 12 Business income or (loss). Attach Schedule C or C-EZ 13 Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/> 14 Other gains or (losses). Attach Form 4797 15a IRA distributions 15a Taxable amount 16a Pensions and annuities 16a Taxable amount 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 18 Farm income or (loss). Attach Schedule F 19 Unemployment compensation 20a Social security benefits 20a Taxable amount 21 Other income 22 Combine the amounts in the far right column for lines 7 through 21. This is your total income		7 8a 9a 10 11 12 36,103 13 14 15b 16b 17 18 19 20b 21 22 36,103	
Adjusted Gross Income 23 Educator expenses 24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 25 Health savings account deduction. Attach Form 8889 26 Moving expenses. Attach Form 3903 27 Deductible part of self-employment tax. Attach Schedule SE 28 Self-employed SEP, SIMPLE, and qualified plans 29 Self-employed health insurance deduction 30 Penalty on early withdrawal of savings 31a Alimony paid b Recipient's SSN 32 IRA deduction 33 Student loan interest deduction 34 Tuition and fees. Attach Form 8917 35 Domestic production activities deduction. Attach Form 8903 36 Add lines 23 through 35 37 Subtract line 36 from line 22. This is your adjusted gross income		23 24 25 26 27 2,551 28 29 30 31a 32 33 34 35 36 2,551 37 33,552	

1040 Department of the Treasury - Internal Revenue Service (99) 2013		OMB No. 1545-0074	IRS Use Only-Do not write or staple in this space.
For the year Jan. 1-Dec. 31, 2013, or other tax year beginning		2013, ending	
Your first name and initial TIAN		Last name DAO	
If a joint return, spouse's first name and initial HUNG		Last name HUYNH	
Home address (number and street) 4115 TROWBRIDGE RD		Apt. no.	
City, town, or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). YONK PA 17402		Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse	
Foreign country name		Foreign province/state/county	
Foreign postal code			
Filing Status 1 <input type="checkbox"/> Single 2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here.		4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. 5 <input type="checkbox"/> Qualifying widow(er) with dependent child	
Exemptions 6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a b <input checked="" type="checkbox"/> Spouse c Dependents:		Boxes checked on 6a and 6b 2 No. of children on 6c who: • lived with you 4 • did not live with you due to divorce or separation (see instructions) Dependents on 6c not entered above Add numbers on lines above 6	
(1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) Chk if child under age 17 qualifying for child tax credit (see instructions)			
DANH DAO 188-82-8830 Son <input checked="" type="checkbox"/>			
VI DAO 180-80-1790 Daughter <input checked="" type="checkbox"/>			
HAO DAO 199-78-5364 Son <input checked="" type="checkbox"/>			
SON DAO 122-02-6363 Son <input checked="" type="checkbox"/>			
d Total number of exemptions claimed			
Income			
7 Wages, salaries, tips, etc. Attach Form(s) W-2		7	
8a Taxable interest. Attach Schedule B if required		8a	
b Tax-exempt interest. Do not include on line 8a		8b	
9a Ordinary dividends. Attach Schedule B if required		9a	
b Qualified dividends		9b	
10 Taxable refunds, credits, or offsets of state and local income taxes		10	
11 Alimony received		11	
12 Business income or (loss). Attach Schedule C or C-EZ		12 37,745	
13 Capital gain or (loss). Attach Schedule D if required. If not required, check here		13	
14 Other gains or (losses). Attach Form 4797		14	
15a IRA distributions 15a b Taxable amount		15b	
16a Pensions and annuities 16a b Taxable amount		16b	
17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E		17	
18 Farm income or (loss). Attach Schedule F		18	
19 Unemployment compensation		19	
20a Social security benefits 20a b Taxable amount		20b	
21 Other income		21	
22 Combine the amounts in the far right column for lines 7 through 21. This is your total income		22 37,745	
Adjusted Gross Income			
23 Educator expenses		23	
24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ		24	
25 Health savings account deduction. Attach Form 8889		25	
26 Moving expenses. Attach Form 3903		26	
27 Deductible part of self-employment tax. Attach Schedule SE		27 2,667	
28 Self-employed SEP, SIMPLE, and qualified plans		28	
29 Self-employed health insurance deduction		29	
30 Penalty on early withdrawal of savings		30	
31a Alimony paid b Recipient's SSN		31a	
32 IRA deduction		32	
33 Student loan interest deduction		33	
34 Tuition and fees. Attach Form 8917		34	
35 Domestic production activities deduction. Attach Form 8903		35	
36 Add lines 23 through 35		36 2,667	
37 Subtract line 36 from line 22. This is your adjusted gross income		37 35,078	

Form 1040 Department of the Treasury — Internal Revenue Service (99) U.S. Individual Income Tax Return 2015 OMB No. 1545-0074 IRS Use Only — Do not write or stamp on this space.																										
For the year Jan. 1–Dec. 31, 2015, or other tax year beginning _____, 2015, ending _____, 20____																										
See separate instructions.																										
Your social security number <div style="border: 1px solid black; padding: 2px;">165-76-2300</div>																										
Spouse's social security number <div style="border: 1px solid black; padding: 2px;">191-62-4444</div>																										
▲ Make sure the SSN(s) above and on line 6c are correct.																										
Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse																										
TUAN DAO HUNG HUYNH 4118 TROWBRIDGE RD YORK PA 17402																										
Filing Status 1 <input type="checkbox"/> Single 4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here.																										
2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here. 5 <input type="checkbox"/> Qualifying widow(er) with dependent child																										
Exemptions 6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a. 6b <input checked="" type="checkbox"/> Spouse.																										
If more than four dependents, see inst. & check here <input type="checkbox"/> c Dependents:																										
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>(1) First name</th> <th>Last name</th> <th>(2) Dependent's social security number</th> <th>(3) Dependent's relationship to you</th> <th>(4) <input checked="" type="checkbox"/> If child under age 17 qualifying for child tax credit (see inst.)</th> </tr> </thead> <tbody> <tr> <td>DANH</td> <td>DAO</td> <td>188-82-8830</td> <td>SON</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>VI</td> <td>DAO</td> <td>180-80-1790</td> <td>DAUGHTER</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>HAO</td> <td>DAO</td> <td>199-78-5364</td> <td>SON</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>SON H</td> <td>DAO</td> <td>122-02-6363</td> <td>SON</td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>		(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> If child under age 17 qualifying for child tax credit (see inst.)	DANH	DAO	188-82-8830	SON	<input checked="" type="checkbox"/>	VI	DAO	180-80-1790	DAUGHTER	<input checked="" type="checkbox"/>	HAO	DAO	199-78-5364	SON	<input checked="" type="checkbox"/>	SON H	DAO	122-02-6363	SON	<input checked="" type="checkbox"/>
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SON H	DAO	122-02-6363	SON	<input checked="" type="checkbox"/>																						
Boxes checked on 6a and 6b: 2 No. of children on 6c who: 4 • lived with you • did not live with you due to divorce or separation (see inst.) Dependents on 6c not entered above: 0 Add numbers on lines above: 6																										
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21 Other income. List type and amount.																										
22 Combine the amts. In the far right column for lines 7 through 21. This is your total income .																										
37,878																										
Adjusted Gross Income																										
23 Educator expenses.																										
24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ.																										
25 Health savings account deduction. Attach Form 8889.																										
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35 Domestic production activities ded. Attach Form 8903.																										
36 Add lines 23 through 35.																										
37 Subtract line 36 from line 22. This is your adjusted gross income .																										
2,676																										
35,202																										

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2015)

Form 1040	Department of the Treasury—Internal Revenue Service (99) U.S. Individual Income Tax Return 2016	OMB No. 1545-0074	IRS Use Only—Do not write or staple in this space.																									
For the year Jan. 1–Dec. 31, 2016, or other tax year beginning _____, 2016, ending _____, 20		See separate instructions.																										
TUAN DAO HUNG HUYNH 4118 TROWBRIDGE RD YORK PA 17402		Your social security number 165-76-2300																										
		Spouse's social security no. 191-62-4444																										
		▲ Make sure the SSN(s) above and on line 6c are correct.																										
		Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse																										
Filing Status 1 <input type="checkbox"/> Single 2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here. 4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. 5 <input type="checkbox"/> Qualifying widow(er) with dependent child																												
Exemptions If more than four dependents, see instructions & check here <input type="checkbox"/> 6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a b <input checked="" type="checkbox"/> Spouse c Dependents: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>(1) First name</th> <th>Last name</th> <th>(2) Dependent's social security number</th> <th>(3) Dependent's relationship to you</th> <th>(4) <input checked="" type="checkbox"/> if child under age 17 qualifying for child tax credit (see inst.)</th> </tr> </thead> <tbody> <tr> <td>DANH</td> <td>DAO</td> <td>188-82-8830</td> <td>SON</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>VI</td> <td>DAO</td> <td>180-80-1790</td> <td>DAUGHTER</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>HAO</td> <td>DAO</td> <td>199-78-5364</td> <td>SON</td> <td><input type="checkbox"/></td> </tr> <tr> <td>SON H</td> <td>DAO</td> <td>122-02-6363</td> <td>SON</td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table>		(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> if child under age 17 qualifying for child tax credit (see inst.)	DANH	DAO	188-82-8830	SON	<input checked="" type="checkbox"/>	VI	DAO	180-80-1790	DAUGHTER	<input checked="" type="checkbox"/>	HAO	DAO	199-78-5364	SON	<input type="checkbox"/>	SON H	DAO	122-02-6363	SON	<input checked="" type="checkbox"/>	Boxes checked on 6a and 6b 2 No. of children on 6c who: • lived with you 4 • did not live with you due to divorce or separation (see inst.) 0 Dependents on 6c not entered above 0 Add numbers on lines above 6	
(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> if child under age 17 qualifying for child tax credit (see inst.)																								
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SON H	DAO	122-02-6363	SON	<input checked="" type="checkbox"/>																								
Income 7 Wages, salaries, tips, etc. Attach Form(s) W-2		7 0																										
8a Taxable interest. Attach Schedule B if required		8a																										
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b Qualified dividends		9b																										
10 Taxable refunds, credits, or offsets of state and local income taxes		10																										
11 Alimony received		11																										
12 Business income or (loss). Attach Schedule C or C-EZ		12 41,439																										
13 Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>		13																										
14 Other gains or (losses). Attach Form 4797		14																										
15a IRA distributions		15a																										
b Taxable amount		15b																										
16a Pensions and annuities		16a																										
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17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E		17																										
18 Farm income or (loss). Attach Schedule F		18																										
19 Unemployment compensation		19																										
20a Social security benefits		20a																										
b Taxable amount		20b																										
21 Other income. List type and amount CANCELLATION OF DEBT \$1,297		21 1,297																										
22 Combine the amounts in the far right column for lines 7 through 21. This is your total income		22 42,736																										
Adjusted Gross Income 23 Educator expenses		23																										
24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ		24																										
25 Health savings account deduction. Attach Form 8889		25																										
26 Moving expenses. Attach Form 3903		26																										
27 Deductible part of self-employment tax. Attach Schedule SE		27 2,928																										
28 Self-employed SEP, SIMPLE, and qualified plans		28																										
29 Self-employed health insurance deduction		29																										
30 Penalty on early withdrawal of savings		30																										
31a Amount paid		31a																										
b Recipient's SSN		31b																										
32 IRA deduction		32																										
33 Student loan interest deduction		33																										
34 Tuition and fees. Attach Form 8917		34																										
35 Domestic production activities deduction. Attach Form 8903		35																										
36 Add lines 23 through 35		36 2,928																										
37 Subtract line 36 from line 22. This is your adjusted gross income		37 39,808																										

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2016)

Form 1040 Department of the Treasury—Internal Revenue Service (99) U.S. Individual Income Tax Return 2017 OMB No. 1545-0074 IRS Use Only—Do not write or staple in this space.	
For the year Jan. 1–Dec. 31, 2017, or other tax year beginning _____, 2017, ending _____, 20	
See separate instructions.	
Your social security number <div style="text-align: right;">165-76-2300</div>	
Spouse's social security no. <div style="text-align: right;">191-62-4444</div>	
▲ Make sure the SSN(s) above and on line 6c are correct.	
Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse	
TUAN DAO HUNG HUYNH 4118 TROWBRIDGE RD YORK PA 17402	
Filing Status	
1	<input type="checkbox"/> Single
2	<input checked="" type="checkbox"/> Married filing jointly (even if only one had income)
3	<input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here. ▶
4	<input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶
5	<input type="checkbox"/> Qualifying widow(er) (see instructions)
Exemptions	
6a	<input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a
b	<input checked="" type="checkbox"/> Spouse
c	Dependents:
(1) First name	Last name
DANH	DAO
VI	DAO
HAO	DAO
SON H	DAO
(2) Dependent's social security number	(3) Dependent's relationship to you
188-82-8830	SON
180-80-1790	DAUGHTER
199-78-5364	SON
122-02-6363	SON
Boxes checked on 6a and 6b: 2	
No. of children on 6c who:	
• lived with you 4	
• did not live with you due to divorce or separation (see instructions) 0	
Dependents on 6c not entered above 0	
Add numbers on lines above ▶ 6	
Income	
7	Wages, salaries, tips, etc. Attach Form(s) W-2
8a	Taxable interest. Attach Schedule B if required
b	Tax-exempt interest. Do not include on line 8a
9a	Ordinary dividends. Attach Schedule B if required
b	Qualified dividends
10	Taxable refunds, credits, or offsets of state and local income taxes
11	Allmonies received
12	Business income or (loss). Attach Schedule C or C-EZ
13	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ <input type="checkbox"/>
14	Other gains or (losses). Attach Form 4797
15a	IRA distributions
b	Taxable amount
16a	Pensions and annuities
b	Taxable amount
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E
18	Farm income or (loss). Attach Schedule F
19	Unemployment compensation
20a	Social security benefits
b	Taxable amount
21	Other income. List type and amount CANCELLATION OF DEBT \$713
22	Combine the amounts in the far right column for lines 7 through 21. This is your total income ▶ 27,302
Adjusted Gross Income	
23	Educator expenses
24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ
25	Health savings account deduction. Attach Form 8889
26	Moving expenses. Attach Form 3903
27	Deductible part of self-employment tax. Attach Schedule SE
28	Self-employed SEP, SIMPLE, and qualified plans
29	Self-employed health insurance deduction
30	Penalty on early withdrawal of savings
31a	Allmonies paid b Recipient's SSN ▶
32	IRA deduction
33	Student loan interest deduction
34	Reserved for future use
35	Domestic production activities deduction. Attach Form 8803
36	Add lines 23 through 35
37	Subtract line 36 from line 22. This is your adjusted gross income ▶ 1,318

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2017)

Form 1040		Department of the Treasury—Internal Revenue Service (99)		2018		OMB No. 1545-0074		IRS Use Only—Do not write or staple in this space.			
Filing status:		<input type="checkbox"/> Single		<input checked="" type="checkbox"/> Married filing jointly		<input type="checkbox"/> Married filing separately		<input type="checkbox"/> Head of household		<input type="checkbox"/> Qualifying widow(er)	
Your first name and initial TUAN				Last name DAO		Your social security number 165-76-2300					
Your standard deduction:		<input type="checkbox"/> Someone can claim you as a dependent		<input type="checkbox"/> You were born before January 2, 1954		<input type="checkbox"/> You are blind					
If joint return, spouse's first name and initial HUNG				Last name HUYNH		Spouse's social security number 191-62-4444					
Spouse standard deduction:		<input type="checkbox"/> Someone can claim your spouse as a dependent		<input type="checkbox"/> Spouse was born before January 2, 1954		<input checked="" type="checkbox"/> Full-year health care coverage or exempt (see inst.)					
<input type="checkbox"/> Spouse is blind		<input type="checkbox"/> Spouse itemizes on a separate return or you were dual-status alien									
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD						Apt. no.		Presidential Election Campaign (see inst.) <input type="checkbox"/> You <input type="checkbox"/> Spouse			
City, town or post office, state, and ZIP code. If you have a foreign address, attach Schedule 6. YORK PA 17402						If more than four dependents, see inst. and / here <input type="checkbox"/>					
Dependents (see instructions):				(2) Social security no.		(3) Relationship to you		(4) <input checked="" type="checkbox"/> if qualifies for (see inst.):			
(1) First name		Last name						Child tax credit		Credit for other dependents	
DANH		DAO		188-82-8830		SON		<input checked="" type="checkbox"/>		<input type="checkbox"/>	
VI		DAO		180-80-1790		DAUGHTER		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
HAO		DAO		199-78-5364		SON		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
SON H		DAO		122-02-6363		SON		<input checked="" type="checkbox"/>		<input type="checkbox"/>	
Sign Here Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.											
Joint return? See instructions. Keep a copy for your records.		Your signature		Date		Your occupation LAWN CARE		If the IRS sent you an Identity Protection PIN, enter it here (see inst.)			
		Spouse's signature. If a joint return, both must sign.		Date		Spouse's occupation NAIL TECHNICIAN		If the IRS sent you an Identity Protection PIN, enter it here (see inst.)			
Paid Preparer Use Only		Preparer's name LUU DANG		Preparer's signature		PTIN P00235400		Firm's EIN 474248770		Check if:	
		Firm's name H AND R BLOCK		Firm's address 2501 PAXTON ST		Phone no. 717-724-0293		<input checked="" type="checkbox"/> 3rd Party Designee		<input type="checkbox"/> Self-employed	
		HARRISBURG PA 17111									

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2018)

Form **1040** Department of the Treasury-Internal Revenue Service (99) **U.S. Individual Income Tax Return 2019** OMB No. 1545-0074 IRS Use Only-Do not write or staple in this space.

Filing Status ☐ Single ☒ Married filing jointly ☐ Married filing separately (MFS)
☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)

Check only one box. If you checked the MFS box, enter the name of spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent. ▶

Your first name and middle initial TUAN	Last name DAO	Your social security number 165-76-2300
If joint return, spouse's first name and middle initial HUNG	Last name HUYNH	Spouse's social security number 191-62-4444
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD		Apt. no.
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). YORK, PA 17402		
Foreign country name	Foreign province/state/country	Foreign postal code
Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse		
If more than four dependents, see inst. & check here ▶ <input type="checkbox"/>		

Standard Deduction **Someone can claim:** ☐ You as a dependent ☐ Your spouse as a dependent
☐ Spouse itemizes on a separate return or you were a dual-status alien

Age/Blindness **You:** ☐ Were born before January 2, 1955 ☐ Are blind
Spouse: ☐ Was born before January 2, 1955 ☐ Is blind

Dependents (see instructions):		(2) Social security number		(3) Relationship to you		(4) check if qualifies for (see inst.):	
(1) First name	Last name					Child tax credit	Credit for other dependents
DANH	DAO	188-82-8830		SON		<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI	DAO	180-80-1790		DAUGHTER		<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAO	DAO	199-78-5364		SON		<input type="checkbox"/>	<input checked="" type="checkbox"/>
SON	DAO	122-02-6363		SON		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Standard Deduction • Single or Married filing separately, \$12,200 • Married filing jointly or Qualifying widow(er), \$24,400 • Head of household, \$18,350 • If you checked any box under Standard Deduction, see instructions.	1	Wages, salaries, tips, etc. Attach Form(s) W-2	1	
	2a	Tax-exempt interest	2a	
	3a	Qualified dividends	3a	
	4a	IRA distributions	4a	
	c	Pensions and annuities	4c	
	5a	Social security benefits	5a	
	6	Capital gain or (loss). Attach Schedule D if required. If not required, check here . . ▶ <input type="checkbox"/>	6	
	7a	Other income from Schedule 1, line 9	7a	18,474
	b	Add lines 1, 2b, 3b, 4b, 4d, 5b, 6, and 7a. This is your total income ▶	7b	18,647
	8a	Adjustments to income from Schedule 1, line 22	8a	1,305
b	Subtract line 8a from line 7b. This is your adjusted gross income ▶	8b	17,342	
9	Standard deduction or itemized deductions (from Schedule A)	9	24,400	
10	Qualified business income deduction. Attach Form 8995 or Form 8995-A . . .	10		
11a	Add lines 9 and 10	11a	24,400	
b	Taxable income. Subtract line 11a from line 8b. If zero or less, enter -0-	11b	0	

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2019)

Form **1040** Department of the Treasury-Internal Revenue Service (99) **2020** U.S. Individual Income Tax Return OMB No. 1545-0074 IRS Use Only-Do not write or staple in this space.

Filing Status ☐ Single ☒ Married filing jointly ☐ Married filing separately (MFS) ☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)
 Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent.

Your first name and middle initial TUAN		Last name DAO		Your social security number 165-76-2300	
If joint return, spouse's first name and middle initial HUNG		Last name HUYNH		Spouse's social security number 191-62-4444	
Home address (number and street). If you have a P.O. box, see Instructions. 4118 TROWBRIDGE RD				Apt. no.	
City, town, or post office. If you have a foreign address, also complete spaces below. YORK				State PA	
Foreign country name				ZIP code 17402	
Foreign province/state/county				Foreign postal code	
Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse					

At any time during 2020, did you receive, sell, send, exchange, or otherwise acquire any financial interest in any virtual currency? ☐ Yes ☒ No

Standard Deduction Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent
☐ Spouse itemizes on a separate return or you were a dual-status alien

Age/Blindness You: ☐ Were born before January 2, 1956 ☐ Are blind Spouse: ☐ Was born before January 2, 1956 ☐ Is blind

(1) First name		Last name		(2) Social security number	(3) Relationship to you	(4) Check if qualifies for (see instructions): Child tax credit Credit for other dependents	
If more than four dependents, see instructions and check here <input type="checkbox"/>	DANH	DAO	188-82-8830	SON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	VI	DAO	180-80-1790	DAUGHTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	HAO	DAO	199-78-5364	SON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	SON	DAO	122-02-6363	SON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach Sch. B if required. Standard Deduction for: Single or Married filing separately, \$12,400 Married filing jointly or Qualifying widow(er), \$24,800 Head of household, \$18,650 If you checked any box under Standard Deduction, see instructions.	1	Wages, salaries, tips, etc. Attach Form(s) W-2				1	
	2a	Tax-exempt interest		2a		2b	
	3a	Qualified dividends		3a		3b	
	4a	IRA distributions		4a		4b	
	5a	Pensions and annuities		5a		5b	
	6a	Social security benefits		6a		6b	
	7	Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>				7	
	8	Other income from Schedule 1, line 9				8	12,137
	9	Add lines 1, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income				9	12,137
	10	Adjustments to income:					
	a	From Schedule 1, line 22		10a	79		
	b	Charitable contributions if you take the standard deduction. See instructions		10b			
	c	Add lines 10a and 10b. These are your total adjustments to income				10c	79
	11	Subtract line 10c from line 9. This is your adjusted gross income				11	12,058
	12	Standard deduction or itemized deductions (from Schedule A)				12	24,800
13	Qualified business income deduction. Attach Form 8995 or Form 8995-A				13		
14	Add lines 12 and 13				14	24,800	
15	Taxable income. Subtract line 14 from line 11. If zero or less, enter -0-				15	0	

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form **1040** (2020)

EEA

1040 Department of the Treasury-Internal Revenue Service (99) **2021** OMB No. 1545-0074 IRS Use Only-Do not write or staple in this space.

Filing Status ☐ Single ☒ Married filing jointly ☐ Married filing separately (MFS) ☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)

Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent ▶

Your first name and middle initial TUAN	Last name DAO	Your social security number 165-76-2300
If joint return, spouse's first name and middle initial HUNG	Last name HUYNH	Spouse's social security number 191-62-4444
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD		Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse
City, town, or post office. If you have a foreign address, also complete spaces below. YORK	State PA	
Foreign country name	Foreign province/state/county	
ZIP code 17402		Foreign postal code

At any time during 2021, did you receive, sell, exchange, or otherwise dispose of any financial interest in any virtual currency? ☐ Yes ☒ No

Standard Deduction Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent
☐ Spouse itemizes on a separate return or you were a dual-status alien

Age/Blindness You: ☐ Were born before January 2, 1957 ☐ Are blind Spouse: ☐ Was born before January 2, 1957 ☐ Is blind

Dependents (see instructions):		(2) Social security number	(3) Relationship to you	(4) Check if qualifies for (see instructions):	
(1) First name	Last name			Child tax credit	Credit for other dependents
DANH	DAO	188-82-8830	Son	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI	DAO	180-80-1790	Daughter	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAO	DAO	199-78-5364	Son	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SON	DAO	122-02-6363	Son	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attach Sch. B if required.	1	Wages, salaries, tips, etc. Attach Form(s) W-2		1		
	2a	Tax-exempt interest	2a	b Taxable interest	2b	84
Standard Deduction for- • Single or Married filing separately, \$12,550 • Married filing jointly or Qualifying widow(er), \$25,100 • Head of household, \$18,800 • If you checked any box under Standard Deduction, see instructions.	3a	Qualified dividends	3a	b Ordinary dividends	3b	
	4a	IRA distributions	4a	b Taxable amount	4b	
	5a	Pensions and annuities	5a	b Taxable amount	5b	
	6a	Social security benefits	6a	b Taxable amount	6b	
	7	Capital gain or (loss). Attach Schedule D if required. If not required, check here		7		
	8	Other income from Schedule 1, line 10		8		17,850
	9	Add lines 1, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income		9		17,934
	10	Adjustments to income from Schedule 1, line 26		10		1,037
	11	Subtract line 10 from line 9. This is your adjusted gross income		11		16,897
	12a	Standard deduction or itemized deductions (from Schedule A)		12a	25,100	
	b	Charitable contributions if you take the standard deduction (see instructions)		12b		
	c	Add lines 12a and 12b		12c		25,100
	13	Qualified business income deduction from Form 8995 or Form 8995-A		13		
	14	Add lines 12c and 13		14		25,100
	15	Taxable income. Subtract line 14 from line 11. If zero or less, enter -0-		15		0

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form **1040** (2021)

EEA

Form 1040		Department of the Treasury-Internal Revenue Service		U.S. Individual Income Tax Return		2022		OMB No. 1545-0074		IRS Use Only-Do not write or staple in this space.	
Filing Status <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married filing jointly <input type="checkbox"/> Married filing separately (MFS) <input type="checkbox"/> Head of household (HOH) <input type="checkbox"/> Qualifying surviving spouse (QSS) Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QSS box, enter the child's name if the qualifying person is a child but not your dependent:											
Your first name and middle initial TUAN				Last name DAO				Your social security number 165-76-2300			
If joint return, spouse's first name and middle initial HUNG				Last name HUYNH				Spouse's social security number 191-62-4444			
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD								Apt. no.		Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse	
City, town, or post office. If you have a foreign address, also complete spaces below. YORK						State PA		ZIP code 17402			
Foreign country name				Foreign province/state/country		Foreign postal code					
Digital Assets At any time during 2022, did you: (a) receive (as a reward, award, or payment for property or services); or (b) sell, exchange, gift, or otherwise dispose of a digital asset (or a financial interest in a digital asset)? (See instructions.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No											
Standard Deduction Someone can claim: <input type="checkbox"/> You as a dependent <input type="checkbox"/> Your spouse as a dependent <input type="checkbox"/> Spouse itemizes on a separate return or you were a dual-status alien											
Age/Blindness You: <input type="checkbox"/> Were born before January 2, 1958 <input type="checkbox"/> Are blind Spouse: <input type="checkbox"/> Was born before January 2, 1958 <input type="checkbox"/> Is blind											
Dependents (see instructions):											
If more than four dependents, see instructions and check here <input type="checkbox"/>		(1) First name		Last name		(2) Social security number		(3) Relationship to you		(4) Check if qualifies for (see instructions):	
		DANH		DAO		188-82-8830		Son		Child tax credit <input type="checkbox"/> Credit for other dependents <input checked="" type="checkbox"/>	
		VI		DAO		180-80-1790		Daughter		Child tax credit <input type="checkbox"/> Credit for other dependents <input checked="" type="checkbox"/>	
		HAO		DAO		199-78-5364		Son		Child tax credit <input type="checkbox"/> Credit for other dependents <input checked="" type="checkbox"/>	
		SON		DAO		122-02-6363		Son		Child tax credit <input checked="" type="checkbox"/> Credit for other dependents <input type="checkbox"/>	
Income											
1a Total amount from Form(s) W-2, box 1 (see instructions)										1a	
b Household employee wages not reported on Form(s) W-2										1b	
c Tip income not reported on line 1a (see instructions)										1c	
d Medicaid waiver payments not reported on Form(s) W-2 (see instructions)										1d	
e Taxable dependent care benefits from Form 2441, line 26										1e	
f Employer-provided adoption benefits from Form 8839, line 29										1f	
g Wages from Form 8919, line 6										1g	
h Other earned income (see instructions)										1h	
i Nontaxable combat pay election (see instructions)										1i	
z Add lines 1a through 1h										1z	
2a Tax-exempt interest										2a	
3a Qualified dividends										3a	
4a IRA distributions										4a	
5a Pensions and annuities										5a	
6a Social security benefits										6a	
b Taxable interest										2b	
b Ordinary dividends										3b	
b Taxable amount										4b	
b Taxable amount										5b	
b Taxable amount										6b	
c If you elect to use the lump-sum election method, check here (see instructions)											
7 Capital gain or (loss). Attach Schedule D if required. If not required, check here										7	
8 Other income from Schedule 1, line 10										8	
9 Add lines 1z, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income										9 22,671	
10 Adjustments to income from Schedule 1, line 26										10	
11 Subtract line 10 from line 9. This is your adjusted gross income										11 1,602	
12 Standard deduction or itemized deductions (from Schedule A)										12 21,069	
13 Qualified business income deduction from Form 8995 or Form 8995-A										13 25,900	
14 Add lines 12 and 13										14 25,900	
15 Subtract line 14 from line 11. If zero or less, enter -0-. This is your taxable income										15 0	

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2022)

EEA

Your first name and middle initial TUAN		Last name DAO		Your social security number 165-76-2300		
If joint return, spouse's first name and middle initial HUNG		Last name HUYNH		Spouse's social security number 191-62-4444		
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD				Apt. no.		
City, town, or post office. If you have a foreign address, also complete spaces below. YORK			State PA		ZIP code 17402	
Foreign country name		Foreign province/state/county		Foreign postal code		
				<input type="checkbox"/> You <input type="checkbox"/> Spouse		

Digital Assets At any time during 2023, did you: (a) receive (as a reward, award, or payment for property or services); or (b) sell, exchange, or otherwise dispose of a digital asset (or a financial interest in a digital asset)? (See instructions.) . . ☐ Yes ☒ No

Standard Deduction Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent
☐ Spouse itemizes on a separate return or you were a dual-status alien

Age/Blindness You: ☐ Were born before January 2, 1959 ☐ Are blind **Spouse:** ☐ Was born before January 2, 1959 ☐ Is blind

Dependents (see instructions):		(2) Social security number	(3) Relationship to you	(4) Check if qualifies for (see instructions):	
(1) First name	Last name			Child tax credit	Credit for other dependents
DANH	DAO	188-82-8830	Son	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SON	DAO	122-02-6363	Son	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

Income		1a	
1a	Total amount from Form(s) W-2, box 1 (see instructions)	1b	
b	Household employee wages not reported on Form(s) W-2	1c	
c	Tip income not reported on line 1a (see instructions)	1d	
d	Medicaid waiver payments not reported on Form(s) W-2 (see instructions)	1e	
e	Taxable dependent care benefits from Form 2441, line 26	1f	
f	Employer-provided adoption benefits from Form 8839, line 29	1g	
g	Wages from Form 8919, line 6	1h	
h	Other earned income (see instructions)		
i	Nontaxable combat pay election (see instructions)	1i	
z	Add lines 1a through 1h	1z	
2a	Tax-exempt interest	2a	
3a	Qualified dividends	3a	
4a	IRA distributions	4a	
5a	Pensions and annuities	5a	
6a	Social security benefits	6a	
c	If you elect to use the lump-sum election method, check here (see instructions)	b	Taxable interest
7	Capital gain or (loss). Attach Schedule D if required. If not required, check here	b	Ordinary dividends
8	Additional income from Schedule 1, line 10	b	Taxable amount
9	Add lines 1z, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income	b	Taxable amount
10	Adjustments to income from Schedule 1, line 26	b	Taxable amount
11	Subtract line 10 from line 9. This is your adjusted gross income	7	
12	Standard deduction or itemized deductions (from Schedule A)	8	11,998
13	Qualified business income deduction from Form 8995 or Form 8995-A	9	11,998
14	Add lines 12 and 13	10	848
15	Subtract line 14 from line 11. If zero or less, enter -0-. This is your taxable income	11	11,150
		12	27,700
		13	
		14	27,700
		15	0

Form **1040** (2023)

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AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM
ON
THE ACCEPTANCE OF THE RETURN OF VIETNAMESE CITIZENS

The Government of the United States of America (hereinafter called "the U.S. Government") and the Government of the Socialist Republic of Vietnam (hereinafter called "the Vietnamese Government"),

With a wish of developing friendly relations between the two countries, and to establish procedures for competent authorities of both countries on the prompt and orderly acceptance of Vietnamese citizens who have been ordered removed by the U.S. Government,

In order to establish common procedures for the relevant authorities based on the legal principles of each country and the international responsibility to accept the return of repatriated citizens; and to follow recognized principles of international law, to allow for a case-by-case determination of repatriation, and to recognize the right of the receiving country to determine nationality,

Have agreed to the following:

Article 1
General Provisions

1. The U.S. Government will carry out the repatriation of Vietnamese citizens who violated U.S. law in accordance with U.S. and international law and the provisions of this Agreement. The repatriation should take into account the humanitarian aspect, family unity and circumstances of each person in each individual case.

2. The Vietnamese Government may consider the return of its citizens who violated U.S. law based on the consideration of legal procedures and the

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status and circumstances of each individual case. The subject individuals and the acceptance procedure will be based on the terms of this Agreement.

3. Repatriation will be carried out in an orderly and safe way, and with respect for the individual human dignity of the person repatriated. The U.S. Government will allow Vietnamese citizens who have been ordered removed a reasonable time to arrange their personal affairs before returning them to Vietnam.

4. Persons repatriated under this Agreement have the right to transfer their legal money and personal property to Vietnam.

5. The U.S. Government will pay for the cost of returning to Vietnam persons repatriated under this Agreement, as provided in Article 5 and Annex 1. The U.S. Government will also pay for the cost of returning to the United States any person who was mistakenly repatriated, in accordance with Article 3 of this Agreement.

Article 2

Removable Persons and Conditions of Acceptance

1. The Vietnamese Government will accept the return of Vietnamese citizens in accordance with Article 1 and item 2 of Article 2 of this Agreement, if upon investigation the individual meets the following requirements:


(a) The individual is a citizen of Vietnam and is not a citizen of the United States or of any other country;

(b) The individual previously resided in Vietnam and has no current residence in a third country;

(c) The individual has violated U.S. laws and has been ordered by competent authority removed from the United States; and

(d) If the individual has been convicted of a criminal offense (including immigration violation), the person will have completed any imprisonment before removal, and any reduction in sentence will have been ordered by competent authority.

2. Vietnamese citizens are not subject to return to Vietnam under this Agreement if they arrived in the United States before July 12, 1995, the date on which diplomatic relations were re-established between the U.S.



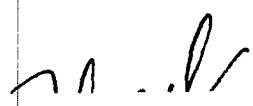
this Agreement), a copy of the order of removal, and other documents regarding the person's biography, citizenship, criminal history, sentence imposed, and decision of amnesty or reduction of criminal sentence. The order of removal will be translated into Vietnamese on the standard form, and the criminal history will include a National Crime Information Center (NCIC) record in English accompanied by a code key translated into Vietnamese. All documents and translations will be certified by the competent U.S. authorities.

2. Upon request by the Vietnamese Government, the U.S. Government will arrange and facilitate the interview of persons who fall within Article 2(1) of this Agreement by Vietnamese immigration officials to determine information regarding the Vietnamese citizenship, biographical data, and last place of residence of such persons. The U.S. Department of Homeland Security will arrange a venue for those interviews. The U.S. Government also will facilitate interviews by U.S.-based consular officers of the Vietnamese Government of deportable persons whom the U.S. believes to be Vietnamese citizens.

3. The Vietnamese Government will provide a prompt response to the U.S. Government on cases referred under this Article after the Vietnamese verification is made. If it is determined that a person whose name and file has been provided to the Vietnamese Government in accordance with this Article meets the requirements of Article 2, the Ministry of Public Security of the Vietnamese Government will issue a travel document authorizing that person's return to Vietnam, and will provide written notification to the U.S. Embassy in Vietnam.

4. When the Vietnamese Government has issued a travel document under this Agreement, the U.S. Government will provide at least fifteen (15) days notice of the flight and travel arrangements by which the person will be returned to Vietnam. The U.S. Embassy in Vietnam will inform the Ministry of Public Security (Immigration Department) and the Ministry of Foreign Affairs (Consular Department) of the date and number of the flight, the time of arrival, the port of entry (Noi Bai Airport in Hanoi or Tan Son Nhat Airport in Ho Chi Minh City), and the details regarding any U.S. officers escorting the person to be returned (such as names, dates of birth, passport numbers, estimated times of stay in Vietnam, etc), and allow the Vietnamese side to confirm receipt of the returnees.

When a person under medical treatment is returned to Vietnam under this Agreement, the escorting U.S. officers will provide a copy of the person's health record to the receiving Vietnamese officials at the port of entry. The



Government and the Vietnamese Government. The U.S. Government and the Vietnamese Government maintain their respective legal positions relative to Vietnamese citizens who departed Vietnam for the United States prior to that date.

3. In the case of a citizen of Vietnam who immigrated to the United States from a third country where that person had a permanent residence and who has been ordered removed from the United States, the U.S. Government will seek to return that person to the third country or consider allowing that person to stay in the United States, before requesting removal to Vietnam.

4. In any case where the Vietnamese Government obtains information relevant to the repatriation of an individual that was not previously considered by the U.S. Government, the Vietnamese Government may request a humanitarian reconsideration based on the specific circumstances of the repatriated person in accordance with United States law.

Article 3

Return of Persons Repatriated in Error

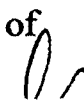
Upon notice by the Vietnamese Government that a person returned to Vietnam by the U.S. Government does not meet all criteria mentioned in Article 2 of this Agreement, the U.S. Government should promptly receive the return of that person to the United States without any special procedure.

Article 4

Acceptance Procedures

1. When the U.S. Government believes that a removable person is a citizen of Vietnam and meets all criteria within Article 2 of this Agreement, the U.S. Department of Homeland Security, on behalf of the U.S. Government, will request appropriate travel documents from the Vietnamese Government and will forward the appropriate files to that Government. Such files will include three sets of documents, the original and two copies. The original and one copy shall be forwarded to the Vietnamese Ministry of Public Security (Immigration Department) by the U.S. Embassy in Vietnam, and the other copy will be sent to the Vietnamese Ministry of Foreign Affairs (Consular Department).

Each file will contain a diplomatic note which requests that the Vietnamese Government accept the returnee, the name of the person the U.S. Government believes should be repatriated to Vietnam, the appropriate forms completed by such person (an example of which is provided in Annex 2 of



escorting and receiving officers will sign a joint report verifying the person's repatriation.

Article 5 Expenses

1. The U.S. Government will pay for the cost of transporting Vietnamese citizens to Vietnam under this Agreement.

2. The U.S. Government will pay for the costs of receiving repatriated persons including: verifying fee, the receipt at the airport and transportation of the persons from airport to the place of residences in accordance with the enclosed Annex 1.

3. The U.S. Government will pay for the cost of arranging interviews by relevant Vietnamese officials of persons whom the U.S. Government believes to be Vietnamese citizens and subject to repatriation under this Agreement.

4. The U.S. Government will pay for the cost of returning to the United States persons who were repatriated in error, as provided in Article 3 of this Agreement.

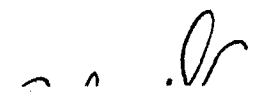
Article 6 Entry into Force and Duration

1. This Agreement will enter into force sixty (60) days from the date of signature by both Governments.

2. Upon entry into force, this Agreement will be valid for five years. The Agreement will be extended automatically for terms of three years thereafter unless written notice not to extend is given by one Government to the other at least six months prior to the expiration date of the Agreement.

Article 7 Amendment and Supplementation

This Agreement may be amended or supplemented by written agreement of the Vietnamese Government and the U.S. Government through appropriate diplomatic channels.



Article 8
Resolution of Disputes

Any disputes regarding the interpretation and implementation of this Agreement will be resolved through appropriate diplomatic channels.

Article 9
Suspension or Termination

This Agreement may be suspended or terminated by either Government. Such suspension or termination of this Agreement will come into effect after thirty days (30) from the date one Government receives the written notification from the other Government of its intention to suspend or terminate.

Done at Hanoi, on 22 January 2008 in duplicate in the English and Vietnamese languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF
AMERICA**

Julie Myers

**FOR THE GOVERNMENT OF
THE SOCIALIST REPUBLIC OF
VIETNAM**

[Signature]

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Annex 1**EXPENSES FOR REPATRIATION**

Content	Expenses for Repatriation
1/ Expenses for verification (including verification through the Vietnamese Embassy in the U.S.) and receipt at airports in Vietnam	\$140/person
2/ Transportation fee for the repatriated person from airport to the place of residence	\$10/person
Total:	\$150/person

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Uploaded on: 4/26/2023 at 9:57:03 a.m. (Eastern Daylight Time) Base City: BTV

U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization ServiceMemorandum of Creation of Record
of Lawful Permanent Residence

Status as a lawful permanent resident of the United States is accorded:

Name In Care Of Street Address Apt. No. City, State, Zip	TUAN HOANG DAO 651 W MARKET ST, 3RD FL YORK, PA 17404		Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth (Month/Day/Year) 12-31-71
			City of Birth SA-DEC	Country of Birth VIETNAM
			Country of Nationality STATELESS	Country of Last Residence VIETNAM
			N/I Class at time of Adj. RE	Year Adm. to U.S. or Year of Change to Present NI Class (whichever most recent) 95
Marital Status <input type="checkbox"/> Widowed	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated 1	Occupation LAB	Priority Date (Month/Day/Year) N/A	Preference (if any) N/A
Section 212 (a) (14) Labor Certification <input type="checkbox"/> Applicable-Submitted <input checked="" type="checkbox"/> Not Applicable		Mother's First Name MAI-VAN	Father's First Name LONG	
Last NIV Issued at (U.S. Consulate Post) N/A		Date of Issuance of Last NIV N/A	Number of Last NIV N/A	Classification of Last NIV A
Under the following provision of law				
<input type="checkbox"/> Public Law 95-412 <input type="checkbox"/> Public Law 96-212 <input type="checkbox"/> Private Law No. _____ of the _____ Congress _____ Session <input type="checkbox"/> Sec. 209 (a) of the I & N Act <input type="checkbox"/> Sec. 209 (b) of the I & N Act <input type="checkbox"/> Sec. 244 () () of the I & N Act <input type="checkbox"/> Sec. 245 of the I & N Act <input type="checkbox"/> Sec. 249 of the I & N Act <input type="checkbox"/> Sec. 1 of the Act of 11/2/66 <input type="checkbox"/> Sec. 13 of the Act of 9/11/57 <input type="checkbox"/> Sec. 214 (d) of the I & N Act <input type="checkbox"/> Other law (Specify) _____				
As of 06 13 95 at PHILADELPHIA (Month) (Day) (Year)				
Class of admission (Insert Symbol) RE-8				

REMARKS

RECOMMENDED BY: (Immigration Officer)

06-26-96

(Date)

B. RESNICK

DATE
OF
ACTION

DD

DISTRICT

FOR USE BY VISA CONTROL OFFICE

APPROVED
JUN 26 1996
B. Resnick
PH 6909

Departure Number

015152950-02

Immigration and
Naturalization ServiceI-94
Departure Record

ADMITTED AS A REFUGEE
PURSUANT TO SECTION 207 OF
THE INA FOR AN INDEFINITE
PERIOD OF TIME. IF YOU DEPART
THE U.S. YOU WILL NEED PRIOR
PERMISSION FROM INS TO
RETURN.
EMPLOYMENT AUTHORIZED.

NYC

DATE

IMM. OFF.

14. Family Name
DAO

15. First (Given) Name

TUAN HOANG

16. Birth Date (Day/Mo/Yr)

31 12 71

17. Country of Citizenship

VIETNAM

COPY

O

Tuan Hoang Dao
A: 074-481-733
Buffalo Federal Detention Facility
4250 Federal Dr
Batavia, NY 14020

Petitioner's Affidavit

1. I am Tuan Hoang Dao, and I write this affidavit to the best of my knowledge and experience, not only from my experiences here, but from what I have witnessed in the past twenty two months.
2. This facility is ran like a maximum penitentiary prison.
3. There is lockdown for most of the day in the cell blocks here.
4. There is an institutional count every few hours here, even more than a regular state prison.
5. The sick call mechanism, is not good, I am sick for weeks and I do not get adequate medical care, and dental is nearly abysmal, after one year was my initial appointment, and it has been rare after that.
6. The food is virtually the same meals on a three meal rotation.
7. I am not allowed to recieve things from home, clothing, nor food stuffs, nor cosmetics, nor magazines and periodicals.
8. The only visits I can afford is on video, and it is twenty two cents a minute, so I never use this program, and the prison only has one hour visitation and it is way too far for my family to travel from Pennsylvania.

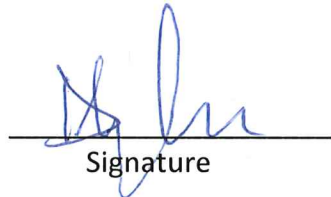
9. The officers here search very often, usually disrupting any perceived privacy, at any and all times.

10. There is no night recreation, only in the daytime, and in good weather only.

11. There is no "IN PERSON" programs for rehabilitation, nor for schooling, nor growth and betterment programs. However, on the tablets, which about twenty (20) detainees share at any given time, has certificate programs from cypherworx, in Buffalo.

12. The commissary is extremely expensive, more so than a regular prison, so much so, that I have a difficult time affording supplies.

13. These are just a few aspects of the conditions of confinement in immigration detention, at Buffalo Federal Detention Facility.



Signature

Date: 12-26-24

Tuan Hoang Dao
A: 074-481-733
Buffalo Federal Detention Facility
4250 Federal Dr
Batavia, NY 14020

AFFIDAVIT OF TUAN DAO IN SUPPORT FOR HIS HABEAS CORPUS

HONORABLE JUSTICE OF THE U.S. IMMIGRATION COURT

Tuan Hoang Dao
A# 074 481 733
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, NY 14020

AFFIDAVIT

Dear: The Immigration Judge,

I Tuan Hoang Dao A: 074-481-733

I am Tuan Hoang Dao, and I write this affidavit to explain my situation to the best of my knowledge and experience.

I hope this letter finds you well and in good health. I am writing this letter to the Immigration Judges hoping for your good judgement and your kind heart. I would like to request you to consider my circumstance and give me an opportunity and granting me a writ of habeas corpus and release me from DHS custody.

I previously lived at 4118 Trowbridge Rd in York, PA 17402 with my wife and my (4) four children.

I was born on 12-31-1971 in Vietnam and I am is a native and citizen of Vietnam. I left Vietnam on Mar, 28-1995 and arrived in the U.S. on March 30, 1995. My family and I fled to the U.S. and were inspected by U.S. government officials, so we could be admitted throught the entry gate at New York JFK Airport legally. See: Exhibit (A) (Copy of Dao's green card and proved pemanent resident) On June 13, 1995 I have a green card and on June 26, 1996 I became a lawful permanent resident with my entire family, my father, mother, and my siblings (2) two young brothers and a sister as a refugee. Now they're all naturalizes U.S. Citizens and permanent residents in the U.S. See: Exhibit (B-C-D-E-F) (Copy of Dao's family citizens documents). After my father was imprisoned in a re-education camp, see: Exhibit (G) (Copy of Long Dao's reformatary camp release document, for having served in Southern Vietnam (South Vietnam) military and alliance with military of the U.S. pursuant Humanitarian Program (HO) #32 in order and which was supported by the U.S. government. My family and I were granted refugee status due to the fact that my father, Long Dao whom currently resides at 2545 Brighton Drive in York, PA 17402 a member of the military that fought alongside the United States in opposition to the Communist Party during Vietnam War his military number is 72/151, 777 LM: ARH+. See: Exh (H-I) (Proof of Long Dao's Vietnam Military Service).

After the military of the U.S. withdrew and we loss the War to the Communist Government

Regime. We left Vietnam and arrived and settle in the U.S. to start a new life. Although we grew up in Vietnam, my family and I chose the U.S. for the new home that we could live the rest of our life, because living here in the U.S. has freedom, democracy, better rights and free speech and provides a safe life.

I am a good person and I have never committed a crime before or being incarcerated. I had been married to my wife 25 years she is a naturalized U.S. citizen see: Exhibit (J-K-L-M-N-O) (Copy of Dao marriage certification, wife Hung Huynh U.S. Citizen, wedding pictures) and has (4) four children they're all born in the U.S. See: Exhibit (P-Q-R-S) (Copy of Hao Dao, Vi Dao, Danh Dao, and Son Dao U.S. Birth Certificate). My kids they're growing up living in this country, their life style is that of an American life style. They also speak the English language only. I am 53 years old, and I have lived here in the U.S. 30 years that being almost 55% of my life. I have spent this time in the U.S. Working very hard six to seven days a week and multiple jobs. I paying taxes to the U.S. government as required by law. See: Exhibit (T) (Copy of Dao's Taxes records from 2011 to 2023) I have been paying taxes since I arrived to the U.S. until today. I have (2) two different businesses, a Nail Salon and a Landscaping services. I run my own businesses also I am the main financial provider for my family.

See: Exhibit (U) (Copy of Nail Salon business "Venus Nails")

I have volunteered to the Buddhist services at the Church I attend, I am a member of my community and took part in numerous community organizations. I am not a flight risk or harm to the community. I have a good name in the community around York, Lancaster, Harrisburg, and Philadelphia and across the State. These are facts I been a leading member in my community for as long as I have lived in the U.S.

On 11-19-2013 I was arrested by the Malden police of Massachusetts because Ms. Nguyet Le accused me of a crime that I didn't do, Ms. Nguyet Le wanted me to cooperate with her in illegally helping to bring people from Vietnam and Canada to the U.S. Ms. Nguyet Le lied to me says that her drivers license is expired so she couldn't go, she want me to go to Canada pick up people for her, I denied her demands. I got convicted because they lied on me and the trial Judge (Hogan) was prejudice and also I had ineffective assistance of counsel.

During the time I was in county Jail proceedings. My defense lawyer Mr. Brett Levy did not come to see me to prepare my defense for the case. Two days before the trial that Friday October 24, 2014 the trial was to start Monday October 27, 2014 and about 4:30 pm on that Friday he came to see me, and told me that he have two plans A and B.

First, plan A that I have to accept what they say in the reported so I can get less time in prison. Second, that plan B we go to trial and win the case. On 2019 I went to a Court hearing with a motion for new trial, at Court Mr. Levy testified against me and said "He came to visit me at Jail many times and saw me in Court 12 to 15 times." But he didn't, see: Exhibit (V) (Copy of Middlesex County Docket Report) he lied to me about the motions for new trial and the trial Judge (Hogan) believed him then denied my motions. He doing that was conflict of interest.

The trial Judge (Hogan) was unfair she rejected necessary evidence in my case and also all my motions. Further she allowed the prosecutor to bring the DNA evidence from the fifth party and namely Khoa Vo into the case and to lie. Prosecutor's said that "Khoa Vo is consensual partner,

because his DNA was found as the major male profile." The fact that Mr. Khoa Vo were not in the incident at crime scene, no police report or gave a statement, and no DNA evidence was as the scene of the alleged crime that happened on 11-19-2013.

Ms. Nguyet Le (she) having sex with many different males, but Ms. Nguyet Le (she) don't remember who she have sex with, she don't tell the truth about within the same time period she say. It is something going on with her's mind, she lied about it in this case. Further the fact when Ms. Nguyet Le (she) went to the police, she did not report rape or gave a statement that she having sexual partner in her house on 11-19-2013.

At the court Ms. Nguyet Le (she) clearly testified that I put my penis into her vagina for about (5) five minutes and I ejaculated inside of her that's what happened on 11-19-2013. She always says that I ejaculated inside of her, because she feeling all wet under of her vagina that's what her statement was, see: Exhibit (W) (Copy of Nguyet Le testified document) but the DNA was tested and presence of a mixture DNA from more than one male, and was completely not mine DNA, because that I didn't do. See: Exhibit (X) (Copy of Conclusion Laboratory test DNA document). The DNA was of Mr. Khoa Vo and another male, and they didn't bring them up to show in court, also I don't even know who they are and where they came from until the trial in court. The Court was in her favor outrageous statements and covered for Ms. Nguyet Le to lie saying that Ms. Nguyet Le (she) wasn't sure that it was biased. Also prosecutor made a statement to lie said that I ejaculated maybe a little bit, that what Ms. Nguyet Le statement was. See: Exhibit (Y) (Copy of trial Court criminal case documents) volume II page (215 - 223)

However, the DNA is don't belong to me. So the DNA they are mixture and belong to Mr. Khoa Vo and another male. Furthermore, the Court was protecting victims in this Commonwealth allow them to lie in this case. The DNA evidence show being wrong because there's another sexual and because the second male DNA it's not mine. The second DNA was different male, with test a positive DNA match on the rape case that would be clearly prejudicial.

However, they had no statement at all and because of that the reason it was easier for the Court to find me guilty, and hard for me to defend myself in court. The trial Judge (Hogan) had no principle to establish prejudicial error damaging the motion evidence of my defense, they convicted and charged me for aggravate felony in violation of MGL. Chapter 265 and sentence me to 10-12 years in State prison and 10 years probation. The trial was unfair because they found me guilty where I was not allowed to take the stand to testify and with no reading of miranda rights and also no DNA. During my trial the video that was used in court was uploaded about an hour and half long, the original video was deleted by detective from the States Police and also the FBI agency violating the constitution.

The Detective are lied deleted and destroy the videos evidence and then he tried to say that he made a mistake and deleted it. He is a high ranking leading officer his duty as a Detective and also he the FBI agency, is to uphold the law. He has been doing this job for over 19 years and he has alot of experience so he cannot make a big mistake like this, especially on the crime scene. Also all equipments that he had in his office's and no one go into his office to do that, and even if he make a mistake that it's his fault.

He says after Thanksgiving he went back to the video machine, bach to the DVR, and he turned it

on. That mean the DVR power was off, and has been like that for two weeks. He said that he left the DVR plugged in for two weeks. Before he going back to the search process, he tried to search for the November 19th 2013 videos at the crime scence and he was getting nothing but blank. It was just all blank. So he did research and he learned that he cannot leave a this particular DVR plugged in it'll continue recording, and will go back to beginning and record over deleting the original.

Further, he says at the time he was working on the DVR it was in his office, and it was plugged in, it was hooked up to the monitor, not hooked up to any internet or any other device. The Detective is to blame because he left the DVR plugged in that is the reason why the video evidence was deleted. The DVR had been off for two weeks how can the DVR machine could run without the power, and record over, and delete the videos, that is a lie. Because of this reason it was blinding the Jury visions and easier to find me guilty, and because of this consequence I am in immigration, and that has effect my life.

See: Exhibit (Z) (Copy of document Detective testified deleted home video evidence)

The Jury noted and questioned (E) evidence of the home video, but the Court Judge (Hogan) again she erred not allowing the full video to be admitted into evidence. See: Exhibit (A.1) (Copy of document Trial Judge erred not admitted in evidence). The Judge with prosecutor idea and refused to consider video footage blinding the Jury visions deliberating. That unequivocally proves because that video recorded every-thing at the crime scence that happened on 11-19-2013, and that could have provided evidence to the fact of my case that I am innocen vacating conviction. The Court violated my human rights by not allowing evidence in court that could have proven me innocent. Further, the trial Judge (Hogan) she knew that my legal counsel defended me ineffectively and also she knew if I got conviction I would be sent to immigration and could be deported back to Vietnam. I fled Vietnam to the U.S. as a refugee for political asylum, the country that I have no ties to and cannot return to live, but she still did not give me a fair trial.

The trial Judge held an evidentiary hearing on the motion to vacate the conviction, and the trial Judge made decision its ruling out important evidence on the 11-19-2013 crime scence. It did not have the benefit of significant caselaw that changed the analytical framework used in adjudicating motions to vacate under the law.

I was wrongly accused of the crime and conviction because the trial Judge mishandle case. If the trial Judge would handle my case better, I would have been found not guilty, and I wouldn't have to face (10) ten years in prison for a crime. The trial Judge "miscarriage of justice" then convicted me a crime and consequences to immigration, and that I would lose my lawful permanent resident status, because of the conviction, and that mandatory deportation, and once they deport me I would not be allow to return to the U.S. under any circumstance.

The error that was established place me in prison and immigration, I didn't know that can happen to me. I had been suffering for over (11) eleven years and couldn't see my children or my family at all. At the time of the arest, my youngest son only (3) three months old and was grow up without me now he is (11) eleven and still does not have a face to put a name to. As you know you have a family and children or grandchildren so that how much you care about them and love them and more than that you would sacrify for them even your life. As I am being (11)

eleven years away from my children and family or maybe the rest of my life if I get deport, then you know how much I love and miss my children and family, I has been missed 12 seasons of Christmas Holiday and Thanksgiving. Everyday I have tears, and I cannot stop thinking of my children and family, I loves them so much, this is broken my heart. This is a tragedy, and now I'm in immigration proceedings and could be deported back to Vietnam.

If I get deported back to Vietnam I will be placed in danger or I get killed, and that would take me away from my children and family. If I get kill in Vietnam my kids be devastated by the news.

I fear for my safety if I get deported back to Vietnam since the country is in a really bad shape both political and humanly. Also due to the fact that my father was in the military alliance with the U.S. Fought alongside the U.S. military against the communist regime, as you know the military is very much in control of the country.

I am scared just to think what they can do to me, if I go back they can sent me to death because the Vietnam government will persecute me because on 1988 I was 17 years old and I was underage the government of Vietnam forced me to go to military service and to go to Cambodia fighting for their country and I refused to support them, and because of my father previous military alliance with the U.S. government and issues of the past.

I pray that the Judge and the Court system have a kind heart and grant me a writ of habeas corpus releasing me from DHS custody and allow me stay in the U.S. I just want to take care of my father and mother for the rest of their life, I want to re-pay what they did for me from birth by raising me, also my father and mother have numerous health condition my mother can't walk now that I need to be there for them, I want to re-open my criminal case and clear the record and avoid to deportation because I believe I can win with the new evidence and more than that I want to be around for my kids and my wife.

As you know I live here in the U.S. with my family about 30 years so my family and I have ties in the U.S. I believed that because I am a legal permanent resident and longtime residence in the U.S. I should be allowed to apply for a waiver or pardon to avoid deportation, also the case it was over (11) eleven years. As it turned out immigration proceedings were initiated against me based on the conviction, and I learned which meant mandatory deportation and a lifetime bar against returning to the U.S. as I had no ties or family in Vietnam.

Mandatory deportation, lifetime exclusion from the United States, disqualification from Naturalization, and Cancellation of Removal and any other form of relief from deportaion.

Unfortunately, when the day I got released from prison ICE took me into custody on February 1, 2023 until today, and I has continuously languished in ICE custody for over 22 months since being detained. With my strong community and family ties, see: Exh (B.1 ; C.1 ; D.1 ; E.1 ; F.1 ; G.1 ; H.1 ; I.1 ; J.1) (Family friend related documents). I pray that the Immigration Judge grant me a writ of habeas corpus release me from DHS custody, and because the Vietnam government would not take an individual that is have a criminal history or refugees back. Further pre 1995 Vietnam agreement accept repatriation enjoyed under protect because Vietnam diplomatic agreement, because the agreement also provides that the Vietnamese Citizens are not subject to return to Vietnam under term at that agreement, if I arrived in the United States before July

12, 1995. To the contrary because it is undisputed that I arrived to the U.S. from the Vietnam prior to 1995 and before July 12, 1995. I have a protected status pursuant the U.S. - Vietnam repatriation pact Feb 22, 2008 (pact 2008) specifically, I am a lawful permanent resident, cannot be deported back to Vietnam according to this law. See article 2 item #2 Agreement on the Acceptance of the Return of Vietnam Citizen, Jan.22.2008, U.S.-Vietnam,T.I.A.S. No.08-322 (available at <http://www.state.gov/documents/organization/108921.pdf>)
See: Exhibit (K.1) (Copy of Agreement between U.S,-VN)

Immigration DO Travis came on February 15, 2024 to interview me, and asked me for my address in the street where and phone number he would be release to, DO Travis responded to this inquiry on February 20, 2024 on the tablet detainee communication global tel link connection. See: Exhibit (L.1) (Copy of Deportation Officer Travis document) I thought he would release me, so thats the reason I chose to file a appeal in the Second Circuit for reviews. If he didn't tell me that he would release me I would have file a Second Circuit appeal to review my case. I may have won a Second Circuit appeal and be released from DHS custody, but now he is trying to deport me back to Vietnam.

So ICE holding me in detention for so long, I feel like I did another sentence for the same crime. I also already served my time for the crime so why should I serve more time in immigration. The case is over 11 years, it should be demised so I don't have to suffer a second sentence in immigration, so my family who are American Citizens don't have to suffer once again. I should be released from DHS custody, because its not likely that I to occur within the reasonable foreseeable future, because of an agreement.

I moved 7,700 miles from Vietnam acrossed the globe entire life came to the U.S. as a refugee for political asylum and looking for a freedom, democracy, and the "American Dreams". I came here for my dreams, I did not come here to get into any trouble or violence hate crime against the law and rule of the U.S. government.

Therefore I pray that the honorable Immigration Judge and the Court system grant me for a writ of habeas corpus. I pray that my family is not seperated, as an human being I made a mistake like any other person, I pray that the Honorable Court affords me a chance to remain in the U.S. I need no more than one chance that would be enough for me. As my children and my family are successful Law abiding Citizens here in the U.S. My main focus is on rebuilding my family and living a new dignified, safe, and peaceful life.

Further, the time I in Buffalo Federal Detention Facility (BFDF) my behavior positive is working and accomplishment education programs certificates in the tablet since I'm being detained.
See: Exhibit (M.1) (Copy accomplishment certificates programs in the table)

In additional to that I promise the Immigration Judges and Court system, and the U.S. Government 100% that I will show up for any type of court hearing or appointments or DHS interview and including with all of the Government requirements. I am not a danger to the community, and I am not likely to flee the U.S.A. As you know my whole family they're living in York county of pennsylvania. I previously resides with my wife and my (4) four children, and my whole family reside in the United States. I have no ties to Vietnam as all my immediate relatives live in this country, I also have (10) ten years probation so I have more reason to do good,

there's no reason for me to flee the U.S.A. Or to go back a country that I left about 30 years ago a country I don't have any relatives in. Further I am determined to be a better person and I would make an incredible addition to this country, and I will focus on working hard to take care of my children and family and keep to myself staying busy and healthy for the rest of my life. I paid my dues to society, the case is over (11) eleven years old. So in my current situation only the Immigration Judge and this Court system, and this country the U.S. Government can change of my life and protect me to survival.

I write this letter to honorable Immigration Judges and the Court system and thank you for your attention in this matter. I pray for you grant a writ of habeas corpus to allow me to stay with my family here in the U.S.

I declare, under the penalty of perjury under the law of the United States of America, that the foregoing is true and correct.



Signature

Date: 12-26-24

Tuan Hoang Dao
A: 074-481-733
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, New York 14020



12/26/24

Aaron A. Stahl
Notary Public, State of New York
Reg. No. 01ST0013537
Qualified in Orleans County
Commission Expires September 14, 2027

NOTICE OF DOCUMENTS IN SUPPORT FOR TUAN DAO AFFIDAVIT

Tuan Hoang Dao
A# 074 481 733
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, New York 14020

NOTICE OF DOCUMENTS IN SUPPORT FOR AFFIDAVIT

I am TUAN HOANG DAO, hereby files the fallowing documents in support for my affidavit:

Identification Documents

- | | |
|--|--------------|
| 1. Copy of Dao's green card and aproved pemanent resident | Exh: A |
| 2. Copy of Dao's father Long Thanh Dao U.S. Passport | Exh: B |
| 3. Copy of Dao's mother Mai Van Thi Duong U.A. Passport | Exh: C |
| 4. Copy of Dao's brothers Hieu Trong Dao U.S. Naturalization Certificate | Exh: D |
| 5. Copy of Dao's brothers Thao Trong Dao U.S. Passport | Exh: E |
| 6. Copy of Dao's sister Xuan Thi Mai Dao U.S. Passport | Exh: F |
| 7. Copy of Long Dao's Reformatary Camp Release Document | Exh: G |
| 8. Proof of Long Dao's Vietnam Military Service | Exh: H-I |
| 9. Copy of Dao marriage license certification | Exh: J |
| 10. Copy of Dao's Wife Hung Huynh U.S. Citizen | Exh: K |
| 11. Copy of Dao's Wedding pictures | Exh: L-M-N-O |
| 12. Copy of Dao's (son) US Birth Certificate for Hao Hoang Dao | Exh: P |
| 13. Copy of Dao's (daughter) US Birth Certificate for Vi Thi Tuong Dao | Exh: Q |

- | | |
|---|--------|
| 14. Copy of Dao's (son) US Birth Certificate for Danh Hoang Dao | Exh: R |
| 15. Copy of Dao's (son) U S Birth Certificate for Dao Hoang Son | Exh: S |
| 16. Copy of Dao's Taxes records from 2011 to 2023 | Exh: T |
| 17. Copy of Nail Salon business "Venus Nials" | Exh: U |

Petitioner's Criminal Trial Documents

- | | |
|--|----------|
| 18. Copy of Middlesex county docket report | Exh: V |
| 19. Copy of Nguyet Le testified | Exh: W |
| 20. Copy of Conclusion Laboratory tested DNA document | Exh: X |
| 21. Copy of Documents Trial Court Criminal Case | Exh: y |
| 22. Copy of Document Detective testified deleted home video evidence | Exh: Z |
| 23. Copy of Trial Judge erred not admitted in video evidence | Exh: A.1 |

Family and Friend Related Documents

- | | |
|--|----------|
| 24. Letter from Dao's Father Long Dao | Exh: B.1 |
| 25. Lette from Dao's aunt Xuan Thi Kieu Le | Exh: C.1 |
| 26. Letter from Community friend Parkpoom Seesangrit | Exh: D.1 |
| 27. Letter from Dao's wife Hung Huynh | Exh: E.1 |
| 28. Letter Dao's (son) Hao Dao | Exh: F.1 |
| 29. Letter from Dao's (son) Danh Dao | Exh: G.1 |
| 30. Letter from Dao's (daughter) Vi Dao | Exh: H.1 |
| 31. Copy of DAO's Family pictures | Exh: I.1 |

32. Letter from friend Tony Hook

Exh: J.1

Agreement Documents Between U.S. - Vietnam

33. Copy of Agreement between U.S. - Vietnam

Exh: K.1

34. Copy of DO Travis document

Exh: L.1

35. Copy accomplishment certificates programs in tablet

Exh: M.1

36. Copy of inhaler medication

Exh: AA

A

Uploaded on: 4/26/2023 at 9:57:03 a.m. (Eastern Daylight Time) Base City: BTV

U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization ServiceMemorandum of Creation of Record
of Lawful Permanent Residence

Place	PHILADELPHIA
File No.	A74-481-733

Status as a lawful permanent resident of the United States is accorded:

Name In Care Of Street Address Apt. No. City, State, Zip	TUAN HOANG DAO 651 W MARKET ST, 3RD FL YORK, PA 17404		Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth (Month/Day/Year) 12-31-71
			City of Birth SA-DEC	Country of Birth VIETNAM
			Country of Nationality STATELESS	Country of Last Residence VIETNAM
			N/I Class at time of Adj. RE	Year Adm. to U.S. or Year of Change to Present NI Class (whichever most recent) 95
Marital Status	<input type="checkbox"/> Single <input type="checkbox"/> Widowed	<input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated 1	Occupation LAB	Priority Date (Month/Day/Year) N/A
			Preference (if any) N/A	Country to Which Chargeable (if any) N/A
Section 212 (a) (14) Labor Certification <input type="checkbox"/> Applicable-Submitted <input checked="" type="checkbox"/> Not Applicable			Mother's First Name MAI-VAN	Father's First Name LONG
Last NIV Issued at (U.S. Consulate Post) N/A			Date of Issuance of Last NIV N/A	Number of Last NIV N/A
Under the following provision of law				
<input type="checkbox"/> Public Law 95-412 <input type="checkbox"/> Public Law 96-212 <input type="checkbox"/> Private Law No. _____ of the _____ Congress _____ Session				
<input type="checkbox"/> Sec. 209 (a) of the I & N Act <input type="checkbox"/> Sec. 209 (b) of the I & N Act <input type="checkbox"/> Sec. 244 () of the I & N Act <input type="checkbox"/> Sec. 245 of the I & N Act				
<input type="checkbox"/> Sec. 249 of the I & N Act <input type="checkbox"/> Sec. 1 of the Act of 11/2/66 <input type="checkbox"/> Sec. 13 of the Act of 9/11/57 <input type="checkbox"/> Sec. 214 (d) of the I & N Act				
<input type="checkbox"/> Other law (Specify) _____				
As of 06 13 95 at PHILADELPHIA				
Class of admission (Insert Symbol) RE-8				
REMARKS				
RECOMMENDED BY: (Immigration Officer) 06-26-96 B. RESNICK			DATE OF ACTION JUN 26 1996	
FOR USE BY VISA CONTROL OFFICE			DISTRICT PH 6909	

Departure Number

015152950 020 AS A REFUGEE
 ADMITTED TO SECTION 207 OF
 THE INA FOR AN INDEFINITE
 PERIOD OF TIME. IF YOU DEPART
 THE U.S. YOU WILL NEED PRIOR
 PERMISSION FROM INS TO
 RETURN.
 EMPLOYMENT AUTHORIZED.

Immigration and
Naturalization ServiceI-94
Departure Record

14. Family Name DAO	16. Birth Date (Day/Mo/Yr) 31 12 71
15. First (Given) Name TUAN HOANG	
17. Country of Citizenship VIETNAM	

COPY

B

James H. D. Wilson

Surnames / Nom / Apellidos

Given Names / Prénoms / Nombres

Nationality / Nationalité / Nacionalidad

Date of birth / Date de naissance / Fecha de nacimiento

Place of birth / Lieu de naissance / Lugar de nacimiento

Date of issue / Date de délivrance / Fecha de expedición

Date of expiration / Date d'expiration / Fecha de caducidad

Endorsements / Mentions Spéciales / Anotaciones

Sex / Sexe / Sexo

N

Authority / Autorité / Autoridad

United States

Department of State

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C

PASSPORT
PASSEPORT
PASAPORTE

UNITED STATES OF AMERICA

Type / Type / Tip

13

Surname / Nom / Apellidos

DUONG

Given Names / Prénoms / Nombres

MAI VAN THI

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

Date of birth / Date de naissance / Fecha de nacimiento

31 Dec 1950

Place of birth / Lieu de naissance / Lugar de nacimiento

VIETNAM

Date of issue / Date de délivrance / Fecha de expedición

17 Jun 2013

Date of expiration / Date d'expiration / Fecha de caducidad

16 JUN 2023

Endorsaments / Mentions Spéciales / Agradecimientos

SEE PAGE 27

Sex / Sexe / Sexo

Authority / Autorité / Autoridad

United States
Department of State

P<USADUONG<<MAI<VAN<THI>>>>>>>>>>>>>>>>>
5039281219USA501231OFZ306164256476252<765034

D

U.S.C.I.S. Registration No. A974481731

Personal description of holder as of date of issuance of this certificate: Sex **MALE** ; Date of birth **NOVEMBER 20, 1984**
 Height **5 feet 7 inches** ; Marital status **SINGLE** ; Country of birth **VIETNAM**

I certify that the description above given is true, and that the photograph affixed hereto is a likeness of me

Hieu Trong Dao

(Complete and true signature of holder)

Be it known that:
HIEU TRONG DAO

now residing at **YORK, PENNSYLVANIA**

having applied to the Director of U.S. Citizenship and Immigration Services for a certificate of citizenship pursuant to Section 311 of the Immigration and Nationality Act, having proved to the satisfaction of the Director, that (s)he is now a citizen of the United States of America, became a citizen thereof on **JULY 3, 2001** and is now in the United States.

Now Therefore, in pursuance of the authority contained in Section 311 of the Immigration and Nationality Act, this certificate of citizenship is issued this **21st** day of **MAY** **TWO THOUSAND THIRTEEN** and the seal of the Department of Homeland Security affixed pursuant to statute.

Alvin N. Meyers, Director

U.S. Citizenship and Immigration Services

DEPARTMENT OF HOMELAND SECURITY

E

THE
OF REAPER / SIGNATURE DU TITU

UNITED STATES OF AMERICA

P 155

575480448

Surname / Name / Apellidos

DAO

Given Names / Prénoms / Hommes

THAO TRONG

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

Date of birth / Date de naissance / Fecha de nacimiento

10 May 1988

Place of birth / Lieu de naissance / Lugar de nacimiento

Sex / Sexe / Sexo

VIETNAM

M

Date of issue / Date de délivrance / Fecha de expedición

Authority / Autorité / Autoridad

07 Jun 2017

United States

Date of expiration / Date d'expiration / Fecha de caducidad

Department of State

06 Jun 2027

Endorsements / Membrs Speciales / Anotaciones

SEE PAGE 27

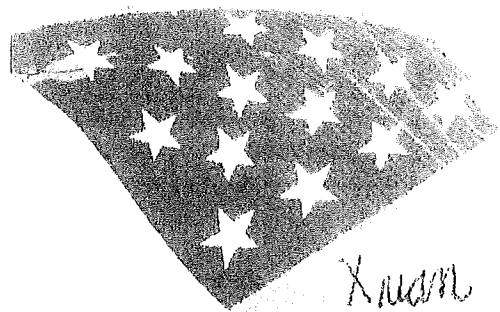
SADAO<<THAO<TRONG<<<<<<<<<<<<<<<<<<<

41

804481USA880510RM270002

F

*Of the United States,
in Order to form a more perfect Union,
establish Justice, insure domestic Tranquility,
provide for the common defence,
promote the general Welfare, and secure
the Blessings of Liberty to ourselves and
our Posterity, we have adopted the following
Constitution for the United States of America.*



Xuan - Mai Dao

SIGNATURE OF BEARER / SIGNATURE DU TITULAIRE / FIRMA DEL TITULAR

PASSPORT
PASSEPORT
PASAPORTE



UNITED STATES OF AMERICA

Type / Type / Tipo : Code / Code / Código : Passport No. / No du Passport / No de Pasaporte

P

USA

575480447

Surname / Nom / Apellidos

DAO

Given Names / Prénoms / Nombres

XUAN-MAI THI

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

Date of birth / Date de naissance / Fecha de nacimiento

29 Apr 1990

Place of birth / Lieu de naissance / Lugar de nacimiento

VIETNAM

Date of issue / Date de délivrance / Fecha de expedición

07 Jun 2017

Date of expiration / Date d'expiration / Fecha de caducidad

06 Jun 2027

Endorsements / Mentions Spéciales / Anotaciones

SEE PAGE 27

Sex / Sexe / Sexo

F

Authority / Autorité / Autoridad

United States

Department of State



USADAO<<XUAN<MAI<THI

G

MINISTRY OF HOME AFFAIRS
PENITENTIARY ADMINISTRATION AGENCY
THU DUC REFORMATORY CAMP
No. 605 / GRT

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness
-----X-----

REFORMATORY CAMP RELEASE

Pursuant to Directive No. 316 / TTg dated August 22nd, 1977 of Prime Minister of the Government of Socialist Republic of Vietnam on Policies Applicable to Soldiers and Governmental Officials of the Former Regime and Members of Reactionary Parties Who Have Been Detained in Reformatory Camps.

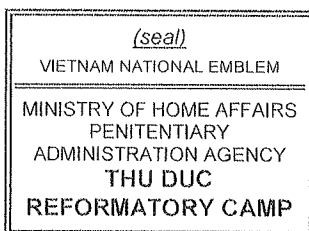
Pursuant to Inter-Ministerial Circular No. / /, of Ministry of National Defense and Ministry of Home Affairs on the Implementation of Directive No. 316 / TTg dated August 22nd, 1977 of Prime Minister of the Government.

In implementation of Release Decision No. 120 dated August 25th, 1980 of Minister of Ministry of Home Affairs.

THIS REFORMATORY CAMP RELEASE IS GRANTED HEREBY TO

- Full name: **DAO THANH LONG.**
- Date of birth: *In 1952.*
- Native land: *Saigon City.*
- Residence: *No. 309/38 Su Van Hanh St., District 10, HO CHI MINH City.*
- Military I.D., Rank, Position in the Former Government / Military Systems or in other Political Reactionary Organizations:
Junior Lieutenant, Deputy Company Commander, Territorial Army.
- It is required that the above-mentioned person must directly present this Reformatory Camp Release to the Village / Ward People's Committee and Police Station of *Truong Ninh Hamlet, Truong Xuan Village*, District: *O Mon*, Province / City: *Hau Giang* and strictly comply with applicable stipulations of the People's Committee of the Provincial / City concerned on Probation Surveillance, Residence and other Administration affairs.
- Probation surveillance period: *06 months (six months).*
- Travel duration: *05* days (since the signing date of this Release) with money and food provided for his / her trip from the camp to his / her family.

Right Index Finger Print
of: **DAO THANH LONG**
(A fingerprint)



Date: *September 02nd, 1980*

SUPERINTENDENT

(Signature and seal)
DOAN MANH, Major

UNIVERSAL TRANSLATION SERVICES
20001 Bostons Neck, Suite 103
Aventura FL 33180
www.universaltranslation.com
info@universaltranslation.com
1-800-271-0137

Signature of the Release Grantee

(Signature)

BỘ NỘI VỤ
CỤC Q.L.T.G
Trại Thủ Đức
S6605/GRT

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập-Tự Do-Hạnh Phúc.

GIẤY RA TRẠI

Căn cứ chỉ thị số 316/TG ngày 22-8-1977 của Thủ tướng chính phủ nước cộng hòa xã hội chủ nghĩa Việt nam về chính sách đối với binh sĩ, nhân viên các cơ quan chính quyền của chế độ cũ và đảng phái phản động hiện đang bị tập trung cải tạo.

Căn cứ thông tư liên Bộ quốc phòng-Nội vụ số ngày về việc thực hiện chỉ thị số 316/TG ngày 22-8-1977 của Thủ tướng chính phủ.

Thi hành quyết định tha số: 120 Ngày 25 tháng 8 năm 1980 của Bộ trưởng Bộ Nội vụ.

CẤP GIẤY RA TRẠI

- Họ và tên:

Đào Thanh Long

Ngày, tháng, năm sinh: *1952*

Quê quán: *Sài Gòn*

Trụ quán: *309/38 ấp Vạn An, Quận 10, TP. Hồ Chí Minh*

Số lĩnh cấp bậc, chức vụ trong bộ máy chính quyền, quân sự và các tổ chức chính trị, phản động của chế độ cũ.

Đã làm đơn xin ra trại. Đã được chấp thuận.

- Khi về phải trực tiếp trình ngay giấy này với ủy ban nhân dân và công an xã phường: *Ấp Tường Ninh, Trường Xuân*

Thuộc Huyện quận: *Đ. Môn* Tỉnh, Thành phố: *Hải Phòng*

và phải tuân theo các quy định của ủy ban nhân dân Tỉnh, Thành phố về việc quản chế, về nơi cư trú và các mặt quản lý khác.

- Thời hạn quản chế: *06 tháng (Sáu tháng)*

- Thời hạn đi đường: *05 Ngày* (Kể từ ngày ký giấy ra trại)
Tiền và lương thực đi đường sẽ cấp từ trại về đến gia đình.

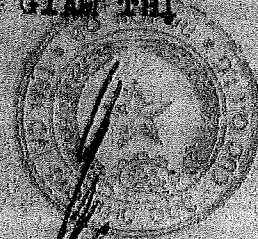
Ngày 02 tháng 9 năm 1980

GIÁM THỊ

Lấn tay ngón trỏ phải

Của: *Đào Thanh Long*

Người được cấp
giấy ký



H



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Exh. 2 - Adm.

J

Commonwealth of Pennsylvania, County of York
Marriage License Certification

License No. 1998-02222

I, HAROLD D KESSLER, do hereby certify that on January 8th, 1999 at
SPRINGETTSBURY TWP, YORK County Pennsylvania,
TUAN H DAO and HUNG HUYNH

were united by me in marriage in accordance with license issued by
William J. Walters, Clerk of Orphans' Court of York County, Pennsylvania.

/s/

HAROLD D KESSLER

Name

RETIRED DISTRICT JUDGE

Title

Applicant 1 Birth Date: 12/31/1971

Applicant 2 Birth Date: 05/30/1970

COMMONWEALTH OF PENNSYLVANIA }

}

ss:

COUNTY OF YORK }

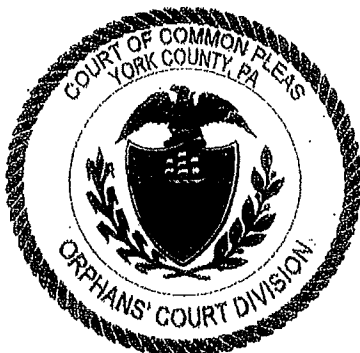
}

I, Bradley C. Jacobs, Clerk of Orphans' Court, in and for the County and Commonwealth
aforesaid, do hereby certify that the above and foregoing is a certification of the original
marriage record of

TUAN H DAO and HUNG HUYNH

as filed in this office and that the same remains with this Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the
aforesaid Court at York City, in the County of York, and Commonwealth of Pennsylvania, this
3rd day of December, 2014.



Bradley C. Jacobs
Clerk of Orphans' Court

BRADLEY C. JACOBS

Register of Wills & Clerk of Orphans' Court
My Commission Expires First Monday, January, 2016

K

No. 20722678



Personal description of holder
as of date of naturalization:

Date of birth: MAY 31, 1972

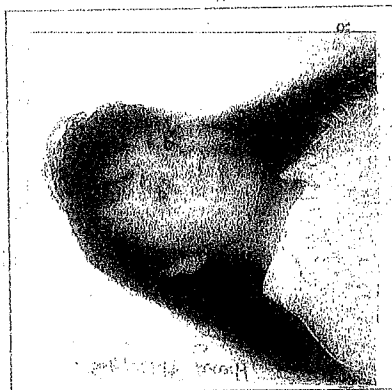
Sex: FEMALE

Height: 5 feet 00 inches

Marital status: SINGLE

Country of former nationality:

VIETNAM



INS Registration No. 925 552 827

I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

June 7, 1972
(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Attorney General

at PHILADELPHIA, PA

The Attorney General having found that:

THUNG HUYNH

then residing in the United States, intends to reside in the United States when so
required by the Naturalization Laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and was
entitled to be admitted to citizenship, such person having taken the oath of allegiance
in a ceremony conducted by the

CON. PLEASE COURT
FOR THE COMMONWEALTH OF PENNSYLVANIA

at HARRISBURG, PA

on: NOV 7 8 1972

that such person is admitted as a citizen of the United States of America.

IT IS FORNORABLE BY U. S. LAW TO COPY
PRINT OR PHOTOGRAPH THIS CERTIFICATE
WITHOUT LAWFUL AUTHORITY.

Blaise J. ...
Commissioner of Immigration and Naturalization



PASSPORT
PASAPORTE

THESE TWO DOCUMENTS ARE NOT TO BE RELEASED

A18607646

Given names/French/Nombre
HUNG

Date of birth/Date de naissance/Fecha de nacimiento
30 MAY 1970
 Sex/Sexe/Sexo

Plazo de validez de la inscripción: Lugar de nacimiento
VIETNAM
 Date of Issue/Date of celebration/Fecha de expedición
08 APR 2023
 Date of expiration/Date of expiration/Fecha de caducidad
07 APR 2033
 Authority/Autoridad/Autoridad
 UNITED STATES DEPARTMENT OF STATE

UNITED STATES DEPARTMENT OF STATE

[illegible]

A186076460USA7005303F3304075697724724<778952

L



M

ARICHA
WINTERS



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O



P

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF HEALTH
VITAL RECORDS

Certification of Birth

DATE OF BIRTH: 11-08-1999 (MO, DAY, YEAR)

COUNTY OF BIRTH: YORK

NAME: HAO HOANG DAO

FATHERS NAME: TUAN HOANG DAO

MOTHERS MAIDEN NAME: HUNG HUYNH

SEX: MALE

FILE NO: 0167590-1999

DATE FILED: 11-26-1999 (MO, DAY, YEAR)

DATE ISSUED: 12-27-1999 (MO, DAY, YEAR)

This is to certify that this is a true copy of the record which is on file in the Pennsylvania Department of Health, in accordance with Act 66, P.L. 304, approved by the General Assembly, June 29, 1953.

Charles H. Hester
CHARLES HESTER
STATE REGISTRAR

H105.105.1 (04-49)

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY BY PHOTOSTAT OR PHOTOGRAPH

2725380

KSR
HAO HOANG DAO
C/O 2885 EASTWOOD DR
YORK PA 17402

Q

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF HEALTH
VITAL RECORDS

Certification of Birth

DATE OF BIRTH	10-20-2001	FILE NO.	4022690-2001
		DATE FILED	10-23-2001
COUNTY OF BIRTH	YORK	DATE ISSUED	10-24-2001

NAME VI THI TUONG DAO SEX FEMALE

FATHER'S NAME TUAN H DAO

MOTHER'S MAIDEN NAME HUNG HUYNH

This is to certify that this is a true copy of the record which is on file in the Pennsylvania Department of Health, in accordance with Act 88, P.L. 304, approved by the General Assembly, June 29, 1953.

Robert S. Zimmerman Jr.
Robert S. Zimmerman, Jr., MPH
Secretary of Health

Charles Hardister
Charles Hardister
State Registrar

H109.105.1 (REV. 05/00)

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY BY PHOTOSTAT OR PHOTOGRAPH.



EBC

3113599

VI THI TUONG DAO
C/O 520 GROUSE LANE
YORK PA 17404

R

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF HEALTH VITAL RECORDS			
Certification of Birth			
DATE OF BIRTH	04-10-2005	FILE NO.	0349270-2005
COUNTY OF BIRTH	YORK	DATE FILED	04-12-2005
NAME	DANH HOANG DAO	DATE ISSUED	04-15-2005
FATHERS NAME	TUAN HOANG DAO	SEX	MALE
MOTHERS MAIDEN NAME	HUNG HUYNH		

This is to certify that this is a true copy of the record which is on file in the Pennsylvania Department of Health, in accordance with Act 66, P.L. 304, approved by the General Assembly, June 29, 1953.

Calvin B. Johnson
Calvin B. Johnson, M.D., M.P.H.
Secretary of Health

Charles Hardeste
Charles Hardeste
State Registrar

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY BY PHOTOSTAT OR PHOTOGRAPH.

EBC

3844576

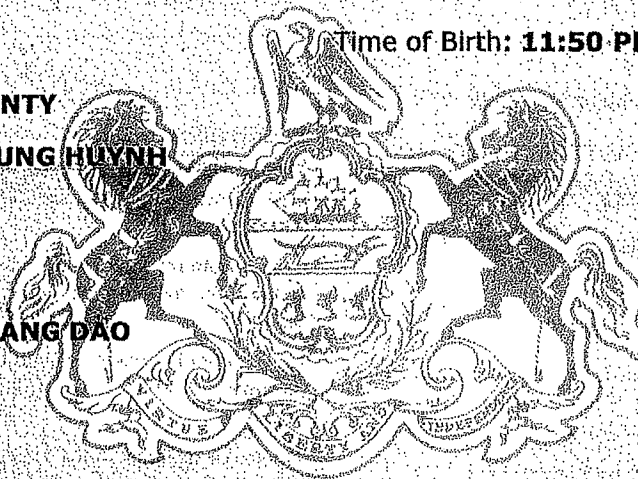
DANH HOANG DAO
C/O 4118 TROWBRIDGE RD
YORK PA 17402

S

VITAL RECORDS

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY BY PHOTOSTAT OR PHOTOGRAPH

Certification of Birth

Date of Birth: **JULY 30, 2013**State File Number: **075851-2013**Date Issued: **AUGUST 07, 2013**Date Filed: **AUGUST 05, 2013**Name: **SON HOANG DAO**Sex: **MALE**Time of Birth: **11:50 PM**Place of Birth: **YORK COUNTY**Mother's Maiden Name: **HUNG HUYNH**Father's Name: **TUAN HOANG DAO**

This is to certify that this is a true copy of the record which is on file in the Pennsylvania Department of Health, in accordance with the Vital Statistics Law of 1953, as amended.

Marina O'Reilly Matthew

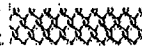
Marina O'Reilly Matthew
State Registrar



H105.105.1D Rev. (7/2012)

WARNING:

THIS DOCUMENT IS PRINTED ON SECURITY WATERMARKED PAPER
DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARK.



0000888057

DETACH HERE

TEAR AT THIS PERFORATION

DETACH HERE

HUNG HUYNH
4118 TROWBRIDGE ROAD

Order Number: 0

YORK, PENNSYLVANIA 17402-0000



T

1040 Department of the Treasury - Internal Revenue Service (99)		U.S. Individual Income Tax Return		2011	OMB No. 1545-0074	IRS Use Only-Do not write or staple in this space.
For the year Jan. 1-Dec. 31, 2011, or other tax year beginning						2011, ending
Your first name and initial TUAN		Last name DAO		See separate instructions.		
If a joint return, spouse's first name and initial HUNG		Last name HUYNH		Your social security number 165-76-2300		
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD				Apt. no. 191-62-4444		
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). YORK PA 17402				Make sure the SSN(s) above and on line 6c are correct.		
Foreign country name		Foreign province/county		Foreign postal code		
Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> You <input type="checkbox"/> Spouse </div>						
Filing Status Check only one box.						
1 <input type="checkbox"/> Single 2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here.						
4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here.						
5 <input type="checkbox"/> Qualifying widow(er) with dependent child						
Exemptions 6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a.						
b <input checked="" type="checkbox"/> Spouse.						
c Dependents:						
(1) First name		Last name		(2) Dependent's social security number	(3) Dependent's relationship to you	
DANH		DAO		188-82-8830	SON	
VI		DAO		180-80-1790	DAUGHTER	
HAO		DAO		199-78-5364	SON	
					(4) If child under age 17 qualifying for child tax credit (see instructions)	
					<input checked="" type="checkbox"/>	
					<input checked="" type="checkbox"/>	
					<input checked="" type="checkbox"/>	
					<input type="checkbox"/>	
Boxes checked on 6a and 6b No. of children on 6c who: • lived with you 2 • did not live with you due to divorce or separation (see instructions) 3 Dependents on 6c not entered above Add numbers on lines above 5						
d Total number of exemptions claimed						
Income						
7 Wages, salaries, tips, etc. Attach Form(s) W-2						
8a Taxable interest. Attach Schedule B if required						
b Tax-exempt interest. Do not include on line 8a						
9a Ordinary dividends. Attach Schedule B if required						
b Qualified dividends						
10 Taxable refunds, credits, or offsets of state and local income taxes						
11 Alimony received						
12 Business income or (loss). Attach Schedule C or C-EZ						
13 Capital gain or (loss). Attach Schedule D if required. If not required, check here						
14 Other gains or (losses). Attach Form 4797						
15a IRA distributions						
15a Taxable amount						
16a Pensions and annuities						
16a Taxable amount						
17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E						
18 Farm income or (loss). Attach Schedule F						
19 Unemployment compensation						
20a Social security benefits						
20a Taxable amount						
21 Other income						
22 Combine the amounts in the far right col for lines 7 through 21. This is your total income						
Adjusted Gross Income						
23 Educator expenses						
24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ						
25 Health savings account deduction. Attach Form 8889						
26 Moving expenses. Attach Form 3903						
27 Deductible part of self-employment tax. Attach Schedule SE						
28 Self-employed SEP, SIMPLE, and qualified plans						
29 Self-employed health insurance deduction						
30 Penalty on early withdrawal of savings						
31a Alimony paid b Recipient's SSN						
32 IRA deduction						
33 Student loan interest deduction						
34 Tuition and fees. Attach Form 8917						
35 Domestic production activities deduction. Attach Form 8903						
36 Add lines 23 through 35						
37 Subtract line 36 from line 22. This is your adjusted gross income						

Form 1040 Department of the Treasury - Internal Revenue Service U.S. Individual Income Tax Return		(99) 2012	OMB No. 1545-0074 IRS Use Only-Do not write or staple in this space.																				
For the year Jan. 1-Dec. 31, 2012, or other tax year beginning 2012, ending 20																							
Your first name and initial TUAN		Last name DAO																					
If a joint return, spouse's first name and initial HUNG		Last name HUYNH																					
Home address (number and street). 4118 TROWBRIDGE RD		Apt. no.																					
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). YORK PA 17402		Foreign country name Foreign province/state/county Foreign postal code																					
Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse		See separate instructions. Your social security number 165-76-2300 Spouse's social security number 191-62-4444																					
Filing Status 1 <input type="checkbox"/> Single 2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here. <input type="checkbox"/> 4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. 5 <input type="checkbox"/> Qualifying widow(er) with dependent child																							
Exemptions 6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a b <input checked="" type="checkbox"/> Spouse c Dependents: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>(1) First name</th> <th>Last name</th> <th>(2) Dependent's social security number</th> <th>(3) Dependent's relationship to you</th> <th>(4) Chk. if child under age 17 qualifying for child tax credit (see instructions)</th> </tr> </thead> <tbody> <tr> <td>DANH</td> <td>DAO</td> <td>188-82-8830</td> <td>SON</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>VI</td> <td>DAO</td> <td>180-80-1790</td> <td>DAUGHTER</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>HAO</td> <td>DAO</td> <td>199-78-5364</td> <td>SON</td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table> If more than four dependents, see instructions and check here <input type="checkbox"/>				(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) Chk. if child under age 17 qualifying for child tax credit (see instructions)	DANH	DAO	188-82-8830	SON	<input checked="" type="checkbox"/>	VI	DAO	180-80-1790	DAUGHTER	<input checked="" type="checkbox"/>	HAO	DAO	199-78-5364	SON	<input checked="" type="checkbox"/>
(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) Chk. if child under age 17 qualifying for child tax credit (see instructions)																			
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VI	DAO	180-80-1790	DAUGHTER	<input checked="" type="checkbox"/>																			
HAO	DAO	199-78-5364	SON	<input checked="" type="checkbox"/>																			
d Total number of exemptions claimed 5																							
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1040 Department of the Treasury - Internal Revenue Service (99) U.S. Individual Income Tax Return 2013		OMB No. 1545-0074	IRS Use Only-Do not write or staple in this space.																									
For the year Jan. 1-Dec. 31, 2013, or other tax year beginning		2013, ending																										
Your first name and initial		Last name																										
DANH		DAO																										
If a joint return, spouse's first name and initial		Last name																										
HING		HUYNH																										
Home address (number and street)		Apt. no.																										
5115 PROWBRIDGE RD																												
City, town, or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions).		Foreign postal code																										
YOPY PA 17402																												
Foreign country name		Foreign province/state/county																										
Filing Status 1 <input type="checkbox"/> Single 2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here.		4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. 5 <input type="checkbox"/> Qualifying widow(er) with dependent child																										
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Form 1040 Department of the Treasury — Internal Revenue Service (99) U.S. Individual Income Tax Return 2015 OMB No. 1545-0074 IRS Use Only — Do not write or stamp on these spaces																																				
For the year Jan. 1–Dec. 31, 2015, or other tax year beginning _____, 2015, ending _____, 20																																				
See separate instructions.																																				
Your social security number <div style="text-align: center;">165-76-2300</div>																																				
Spouse's social security number <div style="text-align: center;">191-62-4444</div>																																				
▲ Make sure the SSN(s) above and on line 6c are correct.																																				
Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse																																				
TUAN DAO HUNG HUYNH 4118 TROWBRIDGE RD YORK PA 17402																																				
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For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2016)

Form **1040** Department of the Treasury—Internal Revenue Service (99) **U.S. Individual Income Tax Return 2017** OMB No. 1545-0074 IRS Use Only—Do not write or staple in this space.

For the year Jan. 1–Dec. 31, 2017, or other tax year beginning _____, 2017, ending _____, 20____

TUAN DAO
HUNG HUYNH
4118 TROWBRIDGE RD
YORK PA 17402

See separate instructions.

Your social security number
165-76-2300

Spouse's social security no.
191-62-4444

▲ **Make sure the SSN(s) above and on line 6c are correct.**

Presidential Election Campaign
 Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. ☐ **You** ☐ **Spouse**

Filing Status

1 ☐ Single

2 ☒ Married filing jointly (even if only one had income)

3 ☐ Married filing separately. Enter spouse's SSN above and full name here. ▶

4 ☐ Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶

5 ☐ Qualifying widow(er) (see instructions)

Check only one box.

Exemptions

6a ☒ **Yourself.** If someone can claim you as a dependent, do not check box 6a

b ☒ **Spouse**

c **Dependents:**

(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> If child under age 17 qualifying for child tax credit (see inst.)	No. of children on 6c who: <input checked="" type="checkbox"/> lived with you <input type="checkbox"/> did not live with you due to divorce or separation (see instructions) Dependents on 6c not entered above
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VI	DAO	180-80-1790	DAUGHTER	<input checked="" type="checkbox"/>	0
HAO	DAO	199-78-5364	SON	<input checked="" type="checkbox"/>	0
SON H	DAO	122-02-6363	SON	<input checked="" type="checkbox"/>	0

d **Total number of exemptions claimed** Add numbers on lines above ▶ **6**

Income

7 **Wages, salaries, tips, etc. Attach Form(s) W-2**

8a **Taxable interest. Attach Schedule B if required**

b **Tax-exempt interest. Do not include on line 8a** 8b

9a **Ordinary dividends. Attach Schedule B if required**

b **Qualified dividends** 9b

10 **Taxable refunds, credits, or offsets of state and local income taxes**

11 **Alimony received**

12 **Business income or (loss). Attach Schedule C or C-EZ**

13 **Capital gain or (loss). Attach Schedule D if required. If not required, check here** ☐

14 **Other gains or (losses). Attach Form 4797**

15a **IRA distributions** 15a **b Taxable amount** 15b

16a **Pensions and annuities** 16a **b Taxable amount** 16b

17 **Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E**

18 **Farm income or (loss). Attach Schedule F**

19 **Unemployment compensation**

20a **Social security benefits** 20a **b Taxable amount** 20b

21 **Other income. List type and amount** **CANCELLATION OF DEBT \$713**

22 **Combine the amounts in the far right column for lines 7 through 21. This is your total income** ▶ **27,302**

Adjusted Gross Income

23 **Educator expenses**

24 **Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ**

25 **Health savings account deduction. Attach Form 8889**

26 **Moving expenses. Attach Form 3903**

27 **Deductible part of self-employment tax. Attach Schedule SE**

28 **Self-employed SEP, SIMPLE, and qualified plans**

29 **Self-employed health insurance deduction**

30 **Penalty on early withdrawal of savings**

31a **Alimony paid** b **Recipient's SSN** ▶

32 **IRA deduction**

33 **Student loan interest deduction**

34 **Reserved for future use**

35 **Domestic production activities deduction. Attach Form 8803**

36 **Add lines 23 through 35**

37 **Subtract line 36 from line 22. This is your adjusted gross income** ▶ **1,318**

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

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Form **1040** (2017)

Form 1040 Department of the Treasury—Internal Revenue Service (99) 2018		OMB No. 1545-0074		IRS Use Only—Do not write or staple in this space.	
Filing status: <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married filing jointly <input type="checkbox"/> Married filing separately <input type="checkbox"/> Head of household <input type="checkbox"/> Qualifying widow(er)					
Your first name and initial TUAN		Last name DAO		Your social security number 165-76-2300	
Your standard deduction: <input type="checkbox"/>		Someone can claim you as a dependent <input type="checkbox"/>		You were born before January 2, 1954 <input type="checkbox"/> You are blind <input type="checkbox"/>	
If joint return, spouse's first name and initial HUNG		Last name HUYNH		Spouse's social security number 191-62-4444	
Spouse standard deduction: <input type="checkbox"/>		Someone can claim your spouse as a dependent <input type="checkbox"/>		Spouse was born before January 2, 1954 <input checked="" type="checkbox"/> Full-year health care coverage or exempt (see inst.) <input checked="" type="checkbox"/>	
Spouse is blind <input type="checkbox"/>		Spouse itemizes on a separate return or you were dual-status alien <input type="checkbox"/>		Presidential Election Campaign (see inst.) <input type="checkbox"/> You <input type="checkbox"/> Spouse	
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD				Apt. no.	
City, town or post office, state, and ZIP code. If you have a foreign address, attach Schedule 6. YORK PA 17402				If more than four dependents, see inst. and / here ▶ <input type="checkbox"/>	
Dependents (see instructions):					
(1) First name		Last name		(2) Social security no.	(3) Relationship to you
DANH		DAO		188-82-8830	SON
VI		DAO		180-80-1790	DAUGHTER
HAO		DAO		199-78-5364	SON
SON H		DAO		122-02-6363	SON
(4) <input checked="" type="checkbox"/> if qualifies for (see inst.): Child tax credit <input checked="" type="checkbox"/> Credit for other dependents <input checked="" type="checkbox"/>					
Sign Here Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.					
Joint return? <input type="checkbox"/> See instructions. Keep a copy for your records.		Your signature		Date	
		Spouse's signature. If a joint return, both must sign.		Date	
		Your occupation LAWN CARE		If the IRS sent you an Identity Protection PIN, enter it here (see inst.)	
		Spouse's occupation NAIL TECHNICIAN		If the IRS sent you an Identity Protection PIN, enter it here (see inst.)	
Paid Preparer Use Only		Preparer's name LUU DANG		Preparer's signature	
		PTIN P00235400		Firm's EIN 474248770	
		Firm's name ▶ H AND R BLOCK		Phone no. 717-724-0293	
		Firm's address ▶ 2501 PAXTON ST HARRISBURG PA 17111		Check if: <input checked="" type="checkbox"/> 3rd Party Designee <input type="checkbox"/> Self-employed	

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2018)

Form 1040 Department of the Treasury-Internal Revenue Service (99) U.S. Individual Income Tax Return 2019		OMB No. 1545-0074		IRS Use Only-Do not write or staple in this space.	
Filing Status <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married filing jointly <input type="checkbox"/> Married filing separately (MFS)					
Status <input type="checkbox"/> Head of household (HOH) <input type="checkbox"/> Qualifying widow(er) (QW)					
Check only one box. If you checked the MFS box, enter the name of spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent. ▶					
Your first name and middle initial TUAN		Last name DAO		Your social security number 165-76-2300	
If joint return, spouse's first name and middle initial HUNG		Last name HUYNH		Spouse's social security number 191-62-4444	
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD				Apt. no.	
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). YORK, PA 17402				Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse	
Foreign country name		Foreign province/state/county		Foreign postal code	
If more than four dependents, see inst. & check here ▶ <input type="checkbox"/>					
Standard Deduction <input type="checkbox"/> Someone can claim: <input type="checkbox"/> You as a dependent <input type="checkbox"/> Your spouse as a dependent <input type="checkbox"/> Spouse itemizes on a separate return or you were a dual-status alien					
Age/Blindness You: <input type="checkbox"/> Were born before January 2, 1955 <input type="checkbox"/> Are blind Spouse: <input type="checkbox"/> Was born before January 2, 1955 <input type="checkbox"/> Is blind					
Dependents (see instructions):					
(1) First name		(2) Social security number		(3) Relationship to you	
(4) check if qualifies for (see inst.):					
Child tax credit		Credit for other dependents			
DANH	DAO	188-82-8830	SON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI	DAO	180-80-1790	DAUGHTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAO	DAO	199-78-5364	SON	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SON	DAO	122-02-6363	SON	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Standard Deduction • Single or Married filing separately, \$12,000 • Married filing jointly or Qualifying widow(er), \$24,400 • Head of household, \$18,350 • If you checked any box under Standard Deduction, see instructions.	1	Wages, salaries, tips, etc. Attach Form(s) W-2	1	
	2a	Tax-exempt interest	2a	
	3a	Qualified dividends	3a	
	4a	IRA distributions	4a	
	c	Pensions and annuities	4c	
	5a	Social security benefits	5a	
	6	Capital gain or (loss). Attach Schedule D if required. If not required, check here . . ▶ <input type="checkbox"/>	6	
	7a	Other income from Schedule 1, line 9	7a	18,474
	b	Add lines 1, 2b, 3b, 4b, 4d, 5b, 6, and 7a. This is your total income ▶	7b	18,647
	8a	Adjustments to income from Schedule 1, line 22	8a	1,305
	b	Subtract line 8a from line 7b. This is your adjusted gross income ▶	8b	17,342
9	Standard deduction or itemized deductions (from Schedule A)	9	24,400	
10	Qualified business income deduction. Attach Form 8995 or Form 8995-A . . .	10		
11a	Add lines 9 and 10	11a	24,400	
b	Taxable income. Subtract line 11a from line 8b. If zero or less, enter -0-	11b	0	

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2019)

Form 1040 Department of the Treasury-Internal Revenue Service (99) **2020** U.S. Individual Income Tax Return OMB No. 1545-0074 IRS Use Only-Do not write or staple in this space.

Filing Status ☐ Single ☒ Married filing jointly ☐ Married filing separately (MFS) ☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)
 Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent.

Your first name and middle initial: **TUAN** Last name: **DAO** Your social security number: **165-76-2300**
 If joint return, spouse's first name and middle initial: **HUNG** Last name: **HUYNH** Spouse's social security number: **191-62-4444**

Home address (number and street). If you have a P.O. box, see instructions. Apt. no. **1118 TROWBRIDGE RD**
 City, town, or post office. If you have a foreign address, also complete spaces below. State: **PA** ZIP code: **17402**
 Foreign country name: Foreign province/state/county: Foreign postal code: Presidential Election Campaign: ☐ You ☐ Spouse

At any time during 2020, did you receive, sell, send, exchange, or otherwise acquire any financial interest in any virtual currency? ☐ Yes ☒ No

Standard Deduction Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent

☐ Spouse itemizes on a separate return or you were a dual-status alien

Age/Blindness You: ☐ Were born before January 2, 1956 ☐ Are blind Spouse: ☐ Was born before January 2, 1956 ☐ Is blind

(1) First name		Last name	(2) Social security number	(3) Relationship to you	(4) Check if qualifies for (see instructions):	
					Child tax credit	Credit for other dependents
If more than four dependents, see instructions and check here <input type="checkbox"/>	DANH	DAO	188-82-8830	SON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	VI	DAO	180-80-1790	DAUGHTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	HAO	DAO	199-78-5364	SON	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	SON	DAO	122-02-6363	SON	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attach Sch. B if required.	1	Wages, salaries, tips, etc. Attach Form(s) W-2	1	
	2a	Tax-exempt interest	2a	
	3a	Qualified dividends	3a	
	4a	IRA distributions	4a	
	5a	Pensions and annuities	5a	
	6a	Social security benefits	6a	
Standard Deduction for- Single or Married filing separately, \$12,400 Married filing jointly or Qualifying widow(er), \$24,800 Head of household, \$18,650 If you checked any box under Standard Deduction, see instructions.	7	Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>	7	
	8	Other income from Schedule 1, line 9	8	12,137
	9	Add lines 1, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income	9	12,137
	10	Adjustments to income:		
	a	From Schedule 1, line 22	10a	79
	b	Charitable contributions if you take the standard deduction. See instructions	10b	
	c	Add lines 10a and 10b. These are your total adjustments to income	10c	79
	11	Subtract line 10c from line 9. This is your adjusted gross income	11	12,058
	12	Standard deduction or itemized deductions (from Schedule A)	12	24,800
	13	Qualified business income deduction. Attach Form 8995 or Form 8995-A	13	
14	Add lines 12 and 13	14	24,800	
15	Taxable income. Subtract line 14 from line 11. If zero or less, enter -0-	15	0	

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

EEA

Form **1040** (2020)

1040 Department of the Treasury-Internal Revenue Service (99) **2021** OMB No. 1545-0074 IRS Use Only-Do not write or staple in this space.

Filing Status ☐ Single ☒ Married filing jointly ☐ Married filing separately (MFS) ☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)

Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent.

Your first name and middle initial: **TUAN** Last name: **DAO** Your social security number: **165-76-2300**

If joint return, spouse's first name and middle initial: **HUNG** Last name: **HUYNH** Spouse's social security number: **191-62-4444**

Home address (number and street). If you have a P.O. box, see instructions. **4118 TROWBRIDGE RD** Apt. no. **YORK**

City, town, or post office. If you have a foreign address, also complete spaces below. State: **PA** ZIP code: **17402**

Foreign country name: Foreign province/state/county: Foreign postal code:

Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund.

☐ You ☐ Spouse

At any time during 2021, did you receive, sell, exchange, or otherwise dispose of any financial interest in any virtual currency? ☐ Yes ☒ No

Standard Deduction Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent ☐ Spouse itemizes on a separate return or you were a dual-status alien

Age/Blindness You: ☐ Were born before January 2, 1957 ☐ Are blind Spouse: ☐ Was born before January 2, 1957 ☐ Is blind

Dependents (see instructions):

(1) First name	Last name	(2) Social security number	(3) Relationship to you	(4) Check if qualifies for (see instructions): Child tax credit	Credit for other dependents
DANH	DAO	188-82-8830	Son	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI	DAO	180-80-1790	Daughter	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAO	DAO	199-78-5364	Son	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SON	DAO	122-02-6363	Son	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attach Sch. B if required.	1	Wages, salaries, tips, etc. Attach Form(s) W-2		1		
	2a	Tax-exempt interest	2a	b Taxable interest	2b	84
	3a	Qualified dividends	3a	b Ordinary dividends	3b	
	4a	IRA distributions	4a	b Taxable amount	4b	
	5a	Pensions and annuities	5a	b Taxable amount	5b	
	6a	Social security benefits	6a	b Taxable amount	6b	
Standard Deduction for- • Single or Married filing separately, \$12,550 • Married filing jointly or Qualifying widow(er), \$25,100 • Head of household, \$18,800 • If you checked any box under Standard Deduction, see instructions.	7	Capital gain or (loss). Attach Schedule D if required. If not required, check here		7		
	8	Other income from Schedule 1, line 10		8	17,850	
	9	Add lines 1, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income		9	17,934	
	10	Adjustments to income from Schedule 1, line 26		10	1,037	
	11	Subtract line 10 from line 9. This is your adjusted gross income		11	16,897	
	12a	Standard deduction or itemized deductions (from Schedule A)		12a	25,100	
	b	Charitable contributions if you take the standard deduction (see instructions)		12b		
	c	Add lines 12a and 12b		12c	25,100	
	13	Qualified business income deduction from Form 8995 or Form 8995-A		13		
	14	Add lines 12c and 13		14	25,100	
15	Taxable income. Subtract line 14 from line 11. If zero or less, enter -0-		15	0		

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

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Form **1040** (2021)

1040 Department of the Treasury-Internal Revenue Service U.S. Individual Income Tax Return 2022		OMB No. 1545-0074	IRS Use Only-Do not write or staple in this space.
Filing Status <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married filing jointly <input type="checkbox"/> Married filing separately (MFS) <input type="checkbox"/> Head of household (HOH) <input type="checkbox"/> Qualifying surviving spouse (QSS) Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QSS box, enter the child's name if the qualifying person is a child but not your dependent:			
Your first name and middle initial TOAN		Last name DAO	
If joint return, spouse's first name and middle initial HUNG		Last name HUYNH	
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD		Apt. no.	
City, town, or post office. If you have a foreign address, also complete spaces below. YORK		State PA	ZIP code 17402
Foreign country name		Foreign province/state/county	Foreign postal code
		<input type="checkbox"/> You <input type="checkbox"/> Spouse	
Digital Assets At any time during 2022, did you: (a) receive (as a reward, award, or payment for property or services); or (b) sell, exchange, gift, or otherwise dispose of a digital asset (or a financial interest in a digital asset)? (See instructions.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Standard Deduction Someone can claim: <input type="checkbox"/> You as a dependent <input type="checkbox"/> Your spouse as a dependent <input type="checkbox"/> Spouse itemizes on a separate return or you were a dual-status alien			
Age/Blindness You: <input type="checkbox"/> Were born before January 2, 1958 <input type="checkbox"/> Are blind Spouse: <input type="checkbox"/> Was born before January 2, 1958 <input type="checkbox"/> Is blind			
Dependents (see instructions):			
If more than four dependents, see instructions and check here <input type="checkbox"/>	(1) First name	Last name	(2) Social security number
	DANH	DAO	188-82-8830
	VI	DAO	180-80-1790
	HAO	DAO	199-78-5364
	SON	DAO	122-02-6363
			(3) Relationship to you
			Son
			Daughter
			Son
			Son
			(4) Check if qualifies for (see instructions):
			Child tax credit
			Credit for other dependents
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
			<input checked="" type="checkbox"/>
			<input checked="" type="checkbox"/>
			<input type="checkbox"/>
Income			
Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld. If you did not get a Form W-2, see instructions.			
Attach Sch. B if required.			
Standard Deduction for-			
• Single or Married filing separately, \$12,950 • Married filing jointly or Qualifying surviving spouse, \$25,900 • Head of household, \$19,400 • If you checked box under Standard Deduction, see instructions.			
1a Total amount from Form(s) W-2, box 1 (see instructions)		1a	
b Household employee wages not reported on Form(s) W-2		1b	
c Tip income not reported on line 1a (see instructions)		1c	
d Medicaid waiver payments not reported on Form(s) W-2 (see instructions)		1d	
e Taxable dependent care benefits from Form 2441, line 26		1e	
f Employer-provided adoption benefits from Form 8839, line 29		1f	
g Wages from Form 8919, line 6		1g	
h Other earned income (see instructions)		1h	
i Nontaxable combat pay election (see instructions)		1i	
z Add lines 1a through 1h		1z	
2a Tax-exempt interest	2a	b Taxable interest	2b
3a Qualified dividends	3a	b Ordinary dividends	3b
4a IRA distributions	4a	b Taxable amount	4b
5a Pensions and annuities	5a	b Taxable amount	5b
6a Social security benefits	6a	b Taxable amount	6b
c If you elect to use the lump-sum election method, check here (see instructions)		<input type="checkbox"/>	
7 Capital gain or (loss). Attach Schedule D if required. If not required, check here		<input type="checkbox"/>	
8 Other income from Schedule 1, line 10		8	
9 Add lines 1z, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income		9 22,671	
10 Adjustments to income from Schedule 1, line 26		10	
11 Subtract line 10 from line 9. This is your adjusted gross income		11 1,602	
12 Standard deduction or itemized deductions (from Schedule A)		12 21,069	
13 Qualified business income deduction from Form 8995 or Form 8995-A		13	
14 Add lines 12 and 13		14 25,900	
15 Subtract line 14 from line 11. If zero or less, enter -0-. This is your taxable income		15 0	

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.
EEAForm **1040** (2022)

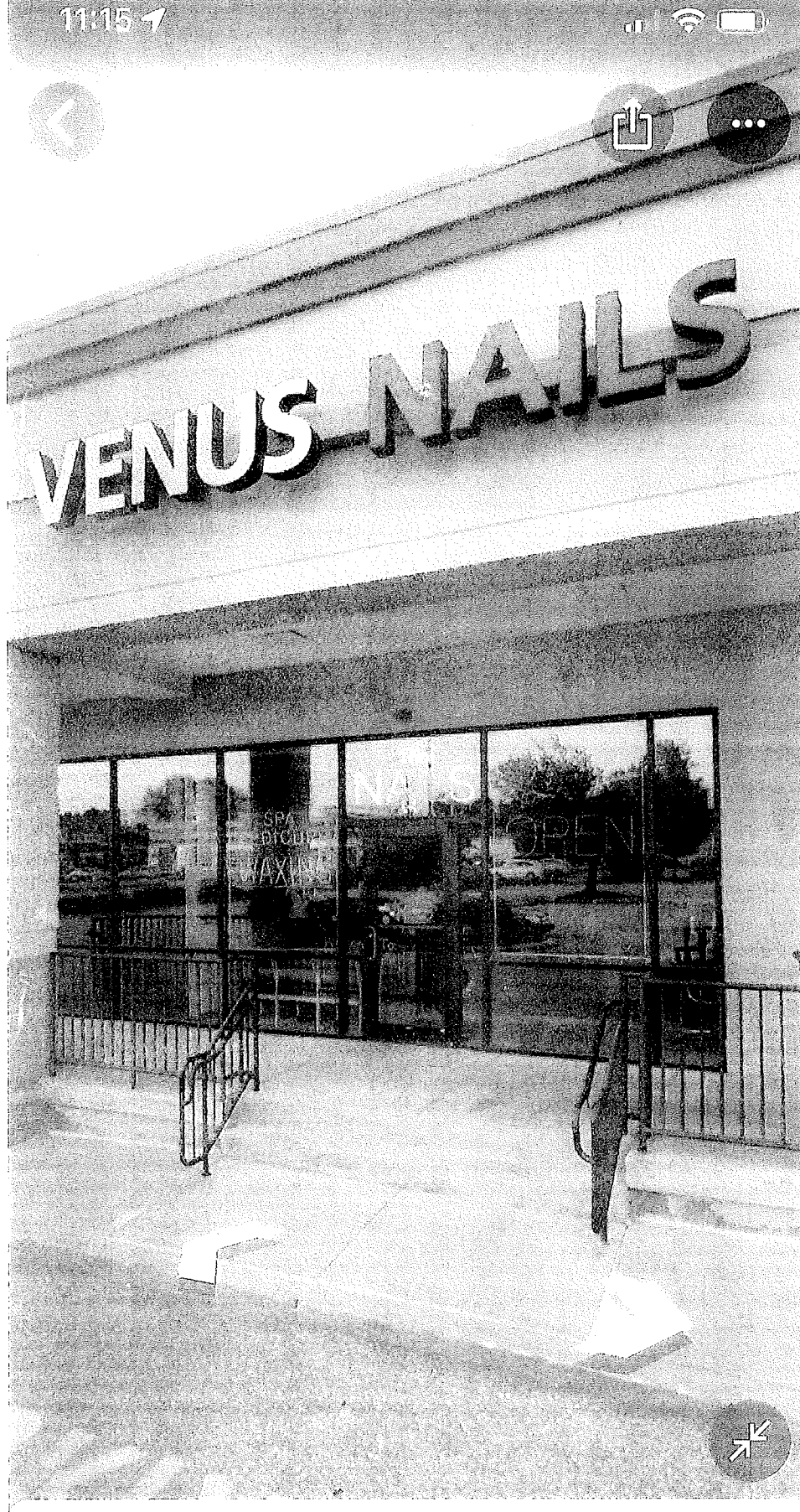
1040 Department of the Treasury-Internal Revenue Service U.S. Individual Income Tax Return 2023		OMB No. 1545-0074	IRS Use Only-Do not write or staple in this space.
For the year Jan. 1-Dec. 31, 2023, or other tax year beginning _____, 2023, ending _____			
Your first name and middle initial TUAN		Last name DAO	
If joint return, spouse's first name and middle initial HUNG		Last name HUYNH	
Home address (number and street). If you have a P.O. box, see instructions. 4118 TROWBRIDGE RD		Apt. no.	
City, town, or post office. If you have a foreign address, also complete spaces below. YORK		State PA	ZIP code 17402
Foreign country name		Foreign province/state/county	Foreign postal code
Filing Status <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) <input type="checkbox"/> Head of household (HOH) <input type="checkbox"/> Married filing separately (MFS) <input type="checkbox"/> Qualifying surviving spouse (QSS) Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QSS box, enter the child's name if the qualifying person is a child but not your dependent: _____		See separate instructions. Your social security number 165-76-2300 Spouse's social security number 191-62-4444 Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse	
Digital Assets At any time during 2023, did you: (a) receive (as a reward, award, or payment for property or services); or (b) sell, exchange, or otherwise dispose of a digital asset (or a financial interest in a digital asset)? (See instructions.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Standard Deduction Someone can claim: <input type="checkbox"/> You as a dependent <input type="checkbox"/> Your spouse as a dependent <input type="checkbox"/> Spouse itemizes on a separate return or you were a dual-status alien			
Age/Blindness You: <input type="checkbox"/> Were born before January 2, 1959 <input type="checkbox"/> Are blind Spouse: <input type="checkbox"/> Was born before January 2, 1959 <input type="checkbox"/> Is blind			
Dependents (see instructions):			
If more than four dependents, see instructions and check here <input type="checkbox"/>	(1) First name Last name	(2) Social security number	(3) Relationship to you
	DANH DAO	188-82-8830	Son
	SON DAO	122-02-6363	Son
Income			
Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld. If you did not get a Form W-2, see instructions.			
Attach Sch. B if required.			
Standard Deduction for- <ul style="list-style-type: none"> Single or Married filing separately, \$13,850 Married filing jointly or Qualifying surviving spouse, \$27,700 Head of household, \$20,800 If you checked any box under Standard Deduction, see instructions. 			
1a Total amount from Form(s) W-2, box 1 (see instructions) 1a			
b Household employee wages not reported on Form(s) W-2 1b			
c Tip income not reported on line 1a (see instructions) 1c			
d Medicaid waiver payments not reported on Form(s) W-2 (see instructions) 1d			
e Taxable dependent care benefits from Form 2441, line 26 1e			
f Employer-provided adoption benefits from Form 8839, line 29 1f			
g Wages from Form 8919, line 6 1g			
h Other earned income (see instructions) 1h			
i Nontaxable combat pay election (see instructions) 1i			
z Add lines 1a through 1h 1z			
2a Tax-exempt interest 2a			
3a Qualified dividends 3a			
4a IRA distributions 4a			
5a Pensions and annuities 5a			
6a Social security benefits 6a			
c If you elect to use the lump-sum election method, check here (see instructions) <input type="checkbox"/>			
7 Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>			
8 Additional income from Schedule 1, line 10 8 11,998			
9 Add lines 1z, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income 9 11,998			
10 Adjustments to income from Schedule 1, line 26 10 848			
11 Subtract line 10 from line 9. This is your adjusted gross income 11 11,150			
12 Standard deduction or itemized deductions (from Schedule A) 12 27,700			
13 Qualified business income deduction from Form 8995 or Form 8995-A 13			
14 Add lines 12 and 13 14 27,700			
15 Subtract line 14 from line 11. If zero or less, enter -0-. This is your taxable income 15 0			

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Form 1040 (2023)

EEA

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East York, Pennsylvania

4 months ago

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Sculpted Nails - Pink & White
U.V. Pink & White Crystallize Gels
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Saturday 9-6*



V

CRTR2709-CR



**COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY
Docket Report**

EVENTS				
Date	Session	Event	Result	Resulting Judge
03/03/2014	Woburn Magistrate Session	Arraignment	Held as Scheduled	
03/06/2014	Criminal 4 Rm 630	58A Dangerousness Hearing	Not Held	
03/12/2014	Criminal 4 Rm 630	58A Dangerousness Hearing	Held as Scheduled	
04/10/2014	Woburn Magistrate Session	Pre-Trial Conference	Rescheduled	
04/30/2014	Woburn Magistrate Session	Pre-Trial Conference	Held as Scheduled	
05/06/2014	Criminal 4 Rm 630	Hearing	Held as Scheduled	
05/21/2014	Criminal 4 Rm 630	Status Review	Held as Scheduled	
05/28/2014	Criminal 4 Rm 630	Hearing RE: Discovery Motion(s)	Held as Scheduled	
06/06/2014	Criminal 4 Rm 630	Status Review	Held as Scheduled	
06/19/2014	Criminal 4 Rm 630	Evidentiary Hearing on Suppression	Rescheduled	
07/14/2014	Criminal 4 Rm 630	Evidentiary Hearing on Suppression	Not Held	
07/15/2014	Criminal 4 Rm 630	Evidentiary Hearing on Suppression	Held as Scheduled	
07/21/2014	Criminal 4 Rm 630	Jury Trial	Rescheduled	
08/20/2014	Criminal 4 Rm 630	Hearing on Compliance	Rescheduled	
09/04/2014	Criminal 4 Rm 630	Final Pre-Trial Conference	Held as Scheduled	
09/16/2014	Criminal 4 Rm 630	Jury Trial	Rescheduled	
10/16/2014	Criminal 4 Rm 630	Final Pre-Trial Conference	Held as Scheduled	
10/27/2014	Criminal 4 Rm 630	Jury Trial	Held as Scheduled	Hogan
10/28/2014	Criminal 4 Rm 630	Jury Trial	Held as Scheduled	Hogan
10/29/2014	Criminal 4 Rm 630	Jury Trial	Held as Scheduled	Hogan
10/30/2014	Criminal 4 Rm 630	Jury Trial	Held as Scheduled	Hogan
10/31/2014	Criminal 4 Rm 630	Jury Trial	Held as Scheduled	Hogan
11/03/2014	Criminal 4 Rm 630	Jury Trial	Held as Scheduled	Hogan
11/04/2014	Criminal 4 Rm 630	Jury Trial	Held as Scheduled	Hogan
11/05/2014	Criminal 4 Rm 630	Jury Trial	Held as Scheduled	
11/12/2014	Criminal 4 Rm 630	Hearing for Sentence Imposition	Not Held	
11/25/2014	Criminal 4 Rm 630	Hearing for Sentence Imposition	Held as Scheduled	
11/02/2017	Civil C Rm 740	Hearing on Motion for New Trial	Rescheduled	Hogan

W

1 not choice. I'm facing death, so I have to listen to
2 what he told me.

3 Q How long do you think his penis was in your
4 vagina?

5 A About five minutes.

6 Q Five minutes. And do you know if he ejaculated in
7 you?

8 A Yes.

9 Q How do you know?

10 A I was all wet.

11 Q In what area?

12 A Down there, under my vagina.

13 Q Do you know what, if anything, stopped the
14 intercourse?

15 A Trinh was knocking on my door.

16 Q Someone was knocking at your door?

17 A Yes.

18 MS. SPIROS: May I approach?

19 THE COURT: Yes.

20 BY MS. SPIROS:

21 Q I'm showing you an item. Do you recognize this
22 item?

23 A That's my jeans.

24 Q Are these the jeans that you were referring to
25 just before in testimony?

X

III. Conclusions

1. External genital swabs (Item # 1-1-04.1):

A female DNA STR profile was obtained from non-sperm fraction of this item. The DNA profile from Nguyet Le matched this DNA profile.

The DNA Y-STR profile obtained from the sperm fraction of this item indicated the presence of a mixture of DNA from more than one male source. The DNA Y-STR profile from Ninh Khoa Vo (and his patrilineal male relatives) is consistent with the major male DNA profile in this mixture. The DNA Y-STR profile from Tuan H. Dao (and his patrilineal male relatives) is not consistent with the major male DNA profile in this mixture. The minor male DNA profile identified on this item yielded insufficient results for comparison.

The following conclusions may be drawn:

- A. Nguyet Le (Item # 1-1-02.1.1) could have been the source of the female DNA identified in the non-sperm fraction of this item.
- B. Ninh Khoa Vo (Item # 5-1.1) (and his patrilineal male relatives) could have been the source of the major male DNA identified in the sperm fraction of this item. Based on the U.S. Y-STR reference databases, the expected frequency of occurrence of this DNA Y-STR profile is approximately:

Population (USA males)	Frequency	% Excluded
African American	1 in 1,961	99.94 %
Asian	1 in 1,255	99.92 %
Caucasian	1 in 2,242	99.95 %
Hispanic	1 in 1,171	99.91 %

- C. Tuan H. Dao (Item # 4-1.1) (and his patrilineal male relatives) could not have been the source of the major male DNA identified in the sperm fraction of this item.

IV. CODIS Disposition

Item #	Description	Upload Status	Suitable for comparison	Comments
1-1-04.1	External genital swabs (sperm fraction, major profile)	Not Uploaded	Yes	DNA Y-STR profiles are not currently searched in CODIS

V. Additional Comments

1. At least 50% of the raw material has been retained for independent analysis, unless the laboratory received written authorization for exhaustive testing. DNA extracts will be retained at the laboratory.
2. Y-STR reference databases:
(i) usystrdatabase.org
3. A 95% upper bound confidence interval has been applied to the Y-STR data. (Holland, M.M. and T.J. Parsons, Mitochondrial DNA Sequence Analysis – Validation and Use for Forensic Casework. Forensic Science Review (1999). 11(1): p. 21-50.) and/or (Clopper, C.J. and E.S. Pearson, The use of confidence or fiducial intervals illustrated in the case of the binomial. Biometrika (1934). 26: p. 404-413.)

Y

1 was done by Kimberly Bonner.

2 Now, as I said, Mr. Khoa Vo is a
3 consensual partner. She's not sure when the last
4 time they had sexual intercourse was.

5 And the secondary male profile is of
6 insufficient -- and I was very clear when I
7 followed up with the analyst about this, and this
8 is what the reports indicate, as well. The
9 secondary male profile is not Mr. Khoa Vo, it's a
10 secondary male, a different male, but the quality
11 is insufficient for match comparison to be done.

12 So what we have, then, your Honor, in
13 terms of the Commonwealth's opinion, is Mr. Khoa
14 Vo is a consensual partner. So this introduction
15 of the fact that she had a DNA male profile from
16 the rape kit (in her body) of Mr. Khoa Vo would be
17 excluded under Rape Shield. This is exactly what
18 Rape Shield was designed for.

19 We're not putting the victim on trial
20 here. She had a consensual partner. She
21 indicated who that consensual partner was. His
22 DNA was found as the major male profile.

23 My understanding of the case law in this
24 case, as I read Commonwealth v. Mattei and Cavitt
25 and Buchman, the cases speak to in this case, in

lot, Khoa
Vo; not
Tuan Dao
who is a
secondary?

1 this type of area, where there's an insufficient
2 sample -- inconclusive, is kind of how the case
3 law refers to it -- that that should be excluded
4 from the jury to avoid jury confusion.

5 So in Mattei specifically, the SJC
6 determined that the omission of non-exclusion DNA
7 results was prejudicial error and required a
8 reversal. That was a case where the DNA was used
9 to place the defendant in the victim's apartment.

10 The only time that inconclusive DNA
11 results come in, at least in my reading, is when
12 the defendant pursues a Bowden defense. And so
13 then the Commonwealth is allowed to, under Cavitt
14 and Buchman, to introduce the fact that the tests
15 were done but that the results obtained, and that
16 the results were obtained, but not the details of
17 the testing.

18 So I think -- and counsel indicates that
19 the fact that she didn't disclose initially there
20 was a consensual partner and that she told the
21 SANE nurse presumably that there was not a
22 consensual partner at the time, essentially goes
23 to a credibility issue. But, your Honor, this is
24 a case where there are sufficient other avenues,
25 ample other avenues, of potential cross

1 examination regarding credibility and victim
2 credibility and impeachment avenues for the
3 defendant to explore that do not include this
4 sample, which is protected by the Rape Shield
5 Statute. This is specifically a consensual
6 partner not related to this case.

7 And so the rest of my argument, the cases
8 are laid out in my memorandum. But that's the
9 long and the short of it.

10 And I think that -- I specifically moved
11 to exclude the reference in the medical records
12 regarding the consensual partners, because it
13 also falls under Rape Shield.

14 THE COURT: Although it was checked "No."

15 MS. SPIROS: It was checked "No."

16 THE COURT: So it's not evidence of prior
17 sexual relations?

18 MS. SPIROS: Correct. It's irrelevant,
19 really, to this case.

20 THE COURT: Mr. Levy.

21 MR. LEVY: I received all of the
22 prosecutor's discovery. And at some point I did
23 receive a photocopy of an I.D. for Ninh Khoa Vo,
24 and I did receive medical records. And when I
25 asked about who Ninh Khoa Vo was, she goes, "I

NO Statement

1 gave it to you."

2 So there's no statement from a police
3 officer at any time that's relevant to the
4 investigation of this crime, meaning first date,
5 first week, first three weeks, any of those
6 things, first month, first two months, first six
7 months, that shows who Ninh Khoa Vo was. Because
8 in this case Nguyet Le didn't disclose to the
9 police, to her friends, to the nurse, that she
10 had a consensual sexual partner. Yet she went in
11 for, I guess, treatment, investigation, all those
12 things that we mentioned before, regarding an
13 alleged rape or having sex with Mr. Doa. And
14 what was found inside of her was the DNA of Ninh
15 Khoa Vo.

16 THE COURT: Let's be clear. It was
17 external?

18 MS. SPIROS: It was an external genital
19 swab.

20 THE COURT: It's an external swab.

21 MS. SPIROS: So it wasn't found inside of
22 her.

23 THE COURT: It's not inside of her.

24 MR. LEVY: Okay.

25 THE COURT: You repeated that, --

1 MR. LEVY: I'm sorry.

2 THE COURT: -- but I want to be
3 technically correct.

4 MR. LEVY: That's the part that I guess is
5 confusing to me, as well, and I've said that a
6 few times. Because it's not that the whole case
7 is confusing me, but certain parts are. And this
8 part is, because once again the prosecutor is
9 trying to argue my point, saying that
10 introduction of a partial match might lead to a
11 conviction of Mr. Dao because that's the argument
12 in Mattei, and that is not proper here.

13 What the introduction of the DNA evidence
14 on a matched consensual partner for DNA evidence
15 that was found on her external genitals or maybe
16 on her underwear, I don't know, is that she had
17 sex with somebody in a certain period of time in
18 order for there to be DNA that was present in
19 such quantity or quality as to come up with this
20 primary match of the first profile.

21 And it's important to note that she, Ms.
22 Le, Trinh Nguyen and the defendant, Tuan Dao,
23 were out of the state from, I think, the 14th
24 until the 19th, the night that this happened.
25 That's five days, four-and-a-half days, five

1 days.

2 Now somehow Ninh Khoa Vo -- I think he
3 lives north of Boston, Wilmington, Woburn,
4 something along those lines. Somehow between the
5 time they come home from the airport and the time
6 the sexual assault kit was done, it seems that
7 Ninh Khoa Vo must have had some sort of sexual
8 contact with Nguyet Le, or he was down in Florida
9 with her, which isn't disclosed, or something
10 else. And that DNA evidence is critical; she has
11 not told the truth, she has actually lied about
12 this.

13 So impeachment and credibility is
14 critical. Excluding a positive DNA match on a
15 rape case would be clearly prejudicial. That's
16 what we're asking to put in.

17 I am not trying to --

18 THE COURT: Its relevance is not that she
19 --

20 MR. LEVY: Is promiscuous; it's not that.?

21 THE COURT: It's relevance, and it's not
22 identification; it's not she's mistaken, it was
23 some other person that she had sex with. So if
24 it's a consensual partner, it's not offered for
25 that?

1 MR. LEVY: So, your Honor, I guess what
2 has been told --

3 THE COURT: Answer my question. It's not
4 offered for that?

5 MR. LEVY: To show that?

6 THE COURT: She was mistaken as to who she
7 had sex with because he was a consensual partner?

8 MR. LEVY: Well, here's the thing that I
9 don't know. So I can't give you a definitive
10 answer, because what comes up for me, honestly,
11 in that in this community, from talking to my
12 witnesses, talking to other people, in the
13 Vietnamese community, for two non-married people,
14 whether it's Tuan Dao, Nguyet Le, Ninh Khoa Vo,
15 John Nguyen, Trinh Nguyen, for two non-married
16 people to have sex is an actual big deal. It's a
17 big deal to have sex with a married person; it's
18 a big deal to have a boyfriend; it's a big deal
19 to sleep in the same room, all of these things.
20 And so allowing evidence in that she had a
21 consensual partner that she didn't tell about
22 within the same time period, I think is really
23 crucial to this case.

24 And I don't know, your Honor, when she had
25 sex with Ninh Khoa Vo. I want to ask the SANE

1 nurse about the sample and how long it would
2 stay.

3 I'm going to ask her about how she bathed
4 or took showers. I think there's some evidence
5 on that report about that.

6 I fully understand the Rape Shield Statute
7 and what the purposes is, to protect victims in
8 this Commonwealth, and I think in 49 other
9 states, with only the exception of one. And the
10 purpose of putting this in is not to do an end
11 run around the Rape Shield Statute and show any
12 kind of promiscuity or any kind of sexual conduct
13 or anything like that. It's to actually show
14 evidence of the DNA being wrong, that there's
15 another sexual partner from the same night,
16 morning, --

17 THE COURT: What do you mean, the DNA
18 being wrong?

19 MR. LEVY: The DNA was always -- she says
20 he ejaculated inside of her. That's what --

21 THE COURT: She said she wasn't sure.

22 MR. LEVY: No.

23 THE COURT: She said she wasn't sure.

24 MS. SPIROS: She said that he ejaculated
25 maybe a little, is what her statement was.

1 MR. LEVY: And there's a statement to the
2 nurse and there's a statement to the police. And
3 then there's statements about not having
4 consensual partners.

5 So there's a lot of things in there that
6 if you limit the ability of Mr. Dao to ask about
7 this consensual partner who's volunteered himself
8 and whose evidence is on the outside of her on
9 the same date, I think that that's improper. I
10 think that it's an important part of his defense
11 and I think it shows --

12 THE COURT: What is it relevant to show --

13 MR. LEVY: There's a cultural bias, your
14 Honor.

15 THE COURT: Wait. What is it relevant to
16 show, other than she had sex with someone else?

17 MR. LEVY: I don't know what's going on in
18 Nguyet Le's mind. I haven't had a chance to even
19 talk to her, and I will during trial. All right?

20 So in this community there is some sort of
21 taboo or harsh judgment about women or men or
22 non-married people having sex, and it is very,
23 very harsh. I'm trying to figure out why this
24 whole event happened and that she goes to the
25 police, she doesn't report rape, she doesn't

Z

1 about this DVR and doing other investigations.

2 I believe after the holiday, after Thanksgiving, I
3 tried to revisit this, and I went back to the video
4 machine, back to the DVR, and I turned it on. And I
5 went to go look at the cameras again and the videos I
6 was trying to retrieve, and I was getting nothing but
7 blank. It was just all black.

8 I went back to the search process and I tried to
9 research for the November 19th videos again, and again
10 all I was getting was blank videos. So I did some more
11 research, and I found out, unfortunately -- this is
12 what I learned -- that you cannot leave a DVR plugged
13 in.

14 Now, at the time I was working on this DVR it was
15 in my office, it was plugged in, it was hooked up to a
16 monitor. Not hooked up to any Internet device or
17 anything like that, or any cameras, but it was still
18 plugged in.

19 What I learned is that if you leave a DVR, this
20 particular DVR, plugged in, it'll continue recording.
21 And as any DVR continues to record, if it gets to a
22 point where it needs more space, it goes back to the
23 very beginning and records over the oldest video first
24 and goes forward.

25 So by leaving the DVR plugged in for the two weeks,

A.1

1 (Recess at 9:21 a.m.)

2 (E for I.D., admitted: Question from
3 Deliberating Jury.)

4 (In court without jury at 11:35 a.m.)

5 THE CLERK: Good morning, your Honor.

6 Case on trial. The parties are present. They
7 have seen the question, which our reporter has marked E
8 for Identification.

9 THE COURT: All right. We had a note from the
10 jury, marked E for Identification. And it states, "May
11 we have the unabridged version of the home video."
12 Signed by the foreperson.

13 The Court: Do you want to be heard?

14 MS. SPIROS: Your Honor, I think really the
15 only response is that it's not in evidence. And so I
16 don't think it can be provided. That would be the
17 Commonwealth's position.

18 THE COURT: Mr. Levy.

19 MR. LEVY: I would be amenable to allowing the
20 full video in. It was abridged by someone either in
21 the police or Commonwealth's office. And it seems like
22 they're technical enough that they could fast forward
23 through it anyway.

24 THE COURT: It's not admitted in evidence.

25 MR. LEVY: Right.

B.1

From: **DAO THANH LONG**
Address: 2535 Brighton Drive
York, PA 17402

Attention to: **Your Honourable Justice of the U.S. Immigration Court**

Dear Sir/Madam;

I am the undersigned as **DAO THANH LONG** (Mr.); Age: 71 years old; Residence: 2545 Brighton Drive, York PA 17402; Email: blackfancytail@yahoo.com; Contact phone number: 717 - 424 - 7833.

I am writing to make statements on the case of my son who is **DAO HOANG TUAN**, born in 1971, Case No. 074481733. In fact, my son followed my family to resettle in YORK County, Pennsylvania since March 28th, 1995. My family resettled there under the "Humanitarian Resettlement by Orderly Departure Program", or H.O 32, as sponsored by the U.S. Government with an agreement with Vietnamese Government, based on the fact that I was an commanding officer in the former regime's Army. After the fall of South Vietnam regime in 1975, I was detained then transfered 5 reformatory camps, and forced to do hard labour in jungles for over 5 years without any Court's hearing. In the meantime, my wife and children had to live under the harshness, discrimination and regular intimidation by new regime in Vietnam.

My son **DAO HOANG TUAN** committed a criminal offence and he has served his sentence since 2013 up to date. At present, he is being reviewed to be deported to Vietnam. Prior to his sentence, TUAN had married and had 04 children, got a rightful job, paid annual income taxes and had no previous criminal records. He has so far sitten but failed U.S. Citizenship Test twice due to his English improficiency.

The ruling regime in Vietnam has so far maintained its dictatorship, arresting and detaining and maltreating opponents, confiscating cultivation lands of people without compensation, causing so many a pitiful plight in the country. No freedom of speech and no freedom of religion there. Please find enclosed herewith evidence gathered from the Internet.

Truly to say, TUAN has no one for him to rely on and earn his livelihood in Vietnam now. Also, he is in fact a son of a former regime's military commanding officer who, as propagated by the Vietnamese Communist Government, "owed the fellow-countrymen a blood debt". So, I make a petition hereby to Your Honourable Justice for a benevolent reconsideration on the case of TUAN – please give my son an opportunity to rebuild his life, to reunite with his wife and children and with our marital couple. My wife and I commit hereby that we couple shall regularly monitor and advise TUAN to observe the laws and to earn an honest living for the rest of his life.

I commit hereby that my above-mentioned statements are all true and exact, that I shall assume full responsibilities to the laws in force for any falsification found therefrom.

Sincerely and Thanksfully Yours,

(Signature)

DAO THANH LONG

Date : June 22nd, 2023

UNIVERSITY OF WYOMING
2000 University Blvd.
Laramie, WY 82001
www.uwyo.edu
info@uwyo.edu

ĐÀO THANH LONG

Địa chỉ số: 2545 Brighton Drive

York, PA 17402

Kính thưa Quý Thẩm phán Tòa Án Di Trú Hoa Kỳ,

Tôi tên là ĐÀO THANH LONG, 71 tuổi hiện ở tại số nhà 2545 Brighton Drive, York, PA 17402. Quý ngài có thể liên lạc với tôi qua địa chỉ email: blacklanceytail@yahoo.com hoặc số điện thoại 717-424-7833.

Tôi xin trình bày đến quý vị trưởng hợp của con trai tôi tên là ĐÀO HOÀNG TUẤN sinh năm 1971, số hồ sơ 074481733 như sau. Con trai tôi cùng theo gia đình tôi sang định cư tại Quận YORK, Tiểu Bang PENNSYLVANIA từ ngày 28 tháng 3 năm 1995. Gia đình chúng tôi ca đi theo diện " Ra đi có trật tự vì nhân đạo" gọi là H.O. 32 do chính phủ Hoa Kỳ bảo trợ và thỏa thuận với chính quyền Việt Nam vì Tôi là một Sĩ Quan chỉ huy trong Quân Đội của chế độ cũ. Sau khi chiếm được miền Nam Việt Nam năm 1975, Tôi bị đi các trại lao động khổ sai trong rừng rậm hơn 5 năm, qua 5 trại tù mà không được bất cứ một tòa án nào xét xử. Vợ các con của Tôi sống trong sự hà khắc, phân biệt đối xử và thường xuyên bị uy hiếp của chế độ mới tại Việt Nam.

ĐÀO HOÀNG TUẤN phạm tội hình sự và đã thụ án tù năm 2013 cho đến nay. Ngày nay, TUẤN đang chờ xét xử xem có thể bị trục xuất về Việt Nam vì phạm tội. Trước khi bị xét tội Tuấn có vợ và 4 đứa con, có công việc làm ăn hợp pháp, đóng thuế thu nhập hàng năm chưa hề vi phạm luật pháp. Tuấn có xin thi Quốc Tịch Hoa Kỳ nhưng vì không gần tiếng Anh nên bị từ chối hai lần.

Hiện nay, chế độ cầm quyền tại Việt Nam vẫn duy trì tình trạng độc tài, bắt bớ, giam cầm người dân trong nước, đồng thời tra tấn những người không cùng ý kiến, tịch thu đất canh tác của người dân mà không bồi thường, tạo ra bất bạo cảnh thương tâm chết chóc, tù đầy cho người dân vô tội. Không hề có tự do ngôn luận, không có tự do tôn giáo. Xin dẫn chứng bằng những thu nhất trên mạng đính kèm.

TUẤN hiện nay không có ai để nương tựa để có thể làm ăn tại Việt Nam. Và thành phần là con của gia đình sĩ quan ngụy quân, chế độ cũ có nhiều nợ máu với nhân dân theo tuyên truyền của chính quyền Cộng Sản Việt Nam hiện nay. Kính mong quý Thẩm Phán cứu xét cho TUẤN một cơ hội để làm lại cuộc đời, được sum họp với vợ con và chúng tôi. Tôi cùng Vợ Tôi xin bảo đảm rằng sẽ luôn giám sát khuyến khích TUẤN luôn luôn tuân thủ luật pháp và làm ăn lương thiện.

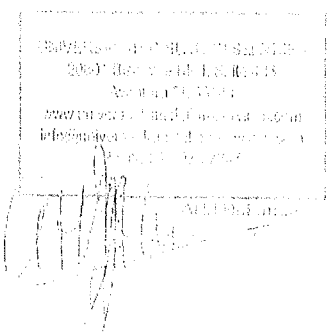
Những trình bày trên đây là sự thật, Tôi xin chịu hoàn toàn trách nhiệm trước pháp luật hiện hành nếu có điều gì không đúng sự thật.

Xin Quý Vị nhận nơi chúng tôi lòng chân thành và biết ơn.

Long Thanh Dao

ĐÀO THANH LONG

Ngày 28 Tháng 10 Năm 2023



C.1

From: **LE THI KIEU XUAN**
Address: 1651 Long Drive
York, PA 17406

Attention to: **Your Honourable Justice of the U.S. Immigration Court**

Dear Sir/Madam;

I am the undersigned as **LE THI KIEU XUAN** (Ms.); Age: 55 years old; Residence: 1651 Long Drive, York PA 17406; Contact phone number : 717 - 424 - 7284.

I have resettled in York County, Pennsylvania, since August 02nd, 2016 as my two kids and me followed my husband were sponsored by relatives.

Since my childhood, I have known Mr. **DAO HOANG TUAN** and his parents as well as siblings. After my resettlement in U.S.A., I came to know that TUAN had committed a criminal offence and served his sentence in accordance with the U.S. laws. I also came to TUAN's home to visit his wife and children, I and his wife have the same profession, anyway. I found that TUAN's wife and kids had faced a lot of challenges and difficulties in their everyday life due to the lack of a man, a husband as well as a father, in their family.

And now I just heard that TUAN will have to present at the U.S. Immigration Court for a review of his immigration status due to the facts that he is not a U.S. citizen and he committed a criminal offence. In fact, TUAN has tried to sit but failed to pass citizenship tests. As far as I can see, TUAN has a family background which is quite hard for him to make a livelihood in Vietnam – none of his family member living in Vietnam and he has no means to earn a living in Vietnam. Besides, TUAN's parent family was a military family of the former regime in Vietnam, being a subject for supervision under the present regime in Vietnam.

I am writing to verify that the above-mentioned information about **DAO HOANG TUAN** are all true and exact with my wholehearted expectation that Your Honourable Justice of the U.S. Immigration Court will benevolently reconsider for giving TUAN an opportunity to be united with his family and to rebuild his life as a kind person/citizen of the free and democratic United States of America.

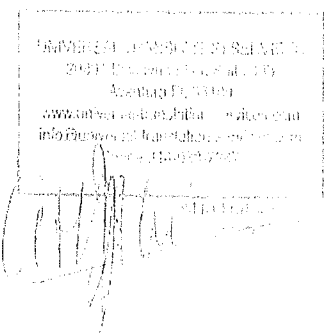
I commit hereby that my above-mentioned statements are all true and exact, that I shall assume full responsibilities to the laws for any falsification found therefrom.

Sincerely and Thanksfully Yours,

(Signature)

LE THI KIEU XUAN

Date : June 24th, 2023



LÊ THỊ KIỀU XUÂN

Địa chỉ số: 1651 Long Drive

York, PA 17406

Kính thưa Quý Thẩm phán Tòa Án Di trú Hoa Kỳ,

Tôi tên là LÊ THỊ KIỀU XUÂN, 55 tuổi hiện ở tại số nhà 1651 Long Drive, York PA 17406. Quý ngài có thể liên lạc với tôi qua số điện thoại 717-424-7284.

Tôi đã định cư tại quận York, Tiểu Bang Pennsylvania từ ngày 02 tháng 8 năm 2016, Tôi và hai con tôi định cư theo chồng tôi thuộc diện được thân nhân bảo lãnh.

Lúc trước khi đi định cư tôi có biết ĐÀO HOÀNG TUẤN từ nhỏ, và có biết gia đình cha mẹ anh em của TUẤN. Nhưng khi đến Hoa Kỳ Tôi cũng được biết TUẤN phạm tội hình sự và đang thụ án phạt của chính quyền Hoa Kỳ. Tôi cũng có đến thăm gia đình vợ con của TUẤN vì cùng làm chung ngành nghề với vợ của TUẤN. Tôi thấy gia đình vợ và các con của TUẤN cũng gặp nhiều khó khăn trong cuộc sống hằng ngày vì thiếu đi sự trợ giúp của một người chồng và người cha trong gia đình.

Đến nay, khi hay tin TUẤN phải ra trước Tòa Án Di Trú của Hoa Kỳ để xét lại tình trạng di trú của TUẤN vì TUẤN không có quốc tịch và phạm tội hình sự. Về quốc tịch TUẤN có cố gắng đi thi nhưng không đậu mà theo tôi được biết thành phần của TUẤN rất khó sinh sống tại Việt Nam, vì không còn ai trong gia đình còn sống tại Việt Nam và hươu nữa cũng không có phương tiện gì để làm ăn sinh sống tại Việt Nam. Gia đình của cha mẹ TUẤN trước đây tại Việt Nam cũng thuộc diện là gia đình nguy quân, nguy quyền của chế độ cũ, và thuộc thành phần bị theo dõi của chế độ mới tại Việt Nam.

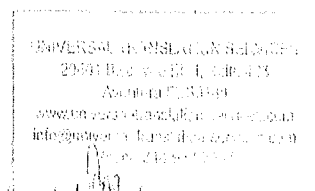
Tôi xin làm giấy này để xác minh những điều tôi biết về ĐÀO HOÀNG TUẤN trên đây là đúng sự thật và cũng cầu mong Quý vị Thẩm Phán Tòa Di Trú Hoa Kỳ rộng lượng cứu xét cho TUẤN được một cơ hội để sum họp với gia đình và làm lại cuộc đời người dân lương thiện trong đất nước Tự Do và Dân Chủ là Hiệp Chúng Quốc Hoa Kỳ.

Những điều tôi trình bày trên là sự thật, nếu có gì sai trái tôi xin chịu trách nhiệm hoàn toàn trước pháp luật.

Xin Quý Vị nhận nơi tôi sự trân trọng và biết ơn.


LÊ THỊ KIỀU XUÂN

Ngày 24 Tháng 6 Năm 2023



D.1

Reference Letter for Immigration

August 23, 2023

Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, New York 14020

To Whom it may concern:

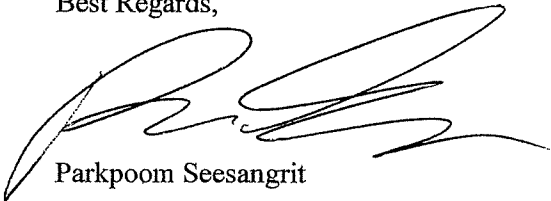
My name is Parkpoom Seesangrit. I was born in the United States and am currently living at 68 Preston Ave. Pittsfield, MA 01201. I can be reached at 413-429-1260. I am writing to support Mr. Tuan Hoang Dao for him to be able to stay in the United States of America. Mr. Dao and I have been close friends for many years, and I have found him to be a very kind, humble, and hard-working person. He has shown support to me and other friends in our community in times of need. He is always willing to go above and beyond to lend a helping hand to anyone—even a stranger. He is very involved in our local community, attending local religious events and helping neighbors.

Mr. Dao is also very involved in his work as owner of his nail salon business. It has been a successful business and from what I can see, he is extremely devoted to his job. I have witnessed him putting in extra hours on weekends, even when he may not have needed to. Mr. Dao is a very good son to his family and always prioritizes spending time with them.

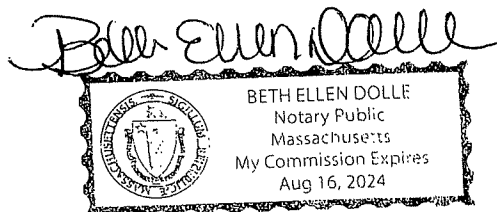
Mr. Dao once told me how he was mistreated and tortured by the Vietnamese government. He attempted to obtain certain immigration documents needed to return to the U.S. The Vietnamese government refused to give him the documents unless he pays some money in exchange. He told me how the government called him and his family traitors and put him in prison for four days without any food or bed. He also was not allowed to have contact with his family. His story scared me and made me think that it would be much safer for him to stay in the U.S.—at least he will be treated fairly and justly here.

I am fortunate to know Dao as a friend, and I am confident that he will remain a responsible citizen in the States. He would make an incredible addition to this country. Please feel free to contact me if you have any questions.

Best Regards,



Parkpoom Seesangrit



E.1

The Honorable Immigration Judge,

My name is Hung Huynh, I current live at 4118 Trowbridge Rd in York, PA 17402. And I am the wife of Dao Hoang Tuan. He is now in the Buffalo detention center of ICE. I am writing this letter in order to Honorable your good judgement and your kind heart, as to the removal proceedings that ICE has against my husband.

Before I met my husband, he was a hard-working man, who worked a full time job. After we dated for a few years, we got married, and since then he has started two of his own businesses, a nail salon business and a landscaping business where he was working six days a week. Together, we had four children. Our youngest one, at the time of the arrest, was only three months old and was never able to grow up with a father. Now he is eleven, and still does not have a face to put a name to. I hope my husband can come home soon so the whole family can reunite again, and where he can restart his life again.

He worked multiple job along side. Not only was he a hard worker but he was a friendly, kind, and fair man that was always there for me or community. He is an incredibly loving, generous man who truly lived life to fullest and touch so many lives our community. He is an incredibly loving father to four children's three boys and a girl. He is a very good son to his family and always prioritize spending time with them. He got fully good heart, he willing to help for everyone in the community, charity, Buddhist temple, or Church.

My husband has made mistakes in his life like every other human, and in his case he has paid with time in order to re-pay his dept to society in certain way being away from his family and both his parents, his two brothers, sister and from me and our four children. My husband he understands what he did for a crime that I believed that he did not commit, and I believe that he deserves another chance just like other person.

Unfortunately and in order to pay his debt to society he had to spend 10 years incarcerated in state prisons. As you can understand this time without him has been very hard for our family and I, to be without him and even harder for my sons and daughter growing up without their father. For the past 10 years I have been running our small business of nail salon that he started and I had to take the time to keep the business going since it is the only source of income our family has up to today.

Aside from the situation as trying to take care of our small business and keeping our four children in a good pathway so they could be good citizens has been very difficult for me. Without my husband at home it has also been a very hard time financially so I have to take help from the social services in my state, but all of our family has been keeping a good spirit knowing that one day he would come home to his family.

Unfortunately the day he was released from state prison ICE detained and placed him in removal proceedings, trying to deport him back the county of Vietnam where we are all originally from. You can see my worries and sadness that after all of this time he might be taken away again and this time forever.

My fear is that if he is deported back to Vietnam they will torture him and he might also get kill because his father and family enrollment in helping in the war effort in alliance with the U.S. When he was 17 years old he refused to join the army at that time, his reward was imprisonment

and torture in Vietnam. The only reason he was released was because he received documentation from the U.S. government. I am scared what they can do to him if he is sent back just because of his family previous military alliance with the U.S. government and the issues of the past.

Therefore I plead with you as a human being that you give my husband a chance stay with his family in the U.S. if he got sent back to Vietnam, he would face certain death and deprive him and our family of finally being together for the rest of our lives. Our children have been waiting for so long in order to be together with their father and me to be together with my husband as a complete family. I am also sure that his parents would be devastated if he were to go back to Vietnam knowing by actual events the way he would be treated if returned.

Thank you for your attention in this matter and I plead for you to let my husband stay with his family here in the United States.

Sincerely,

Hung Huynh

F.1

My Dad's Impact

My Dad is a person with positive characteristics -his patience, work ethic, kindness, and ability to encourage independence have had a profound impact on my childhood and personal growth. Through his example, I learned important life lessons that continue to shape the way I navigate through the world. One of which is to continue pursuing things or topics that interest me and that the lessons I would learn in those topics would serve to help me grow as an individual. I am deeply grateful for the influence he has had on me and the person that I am today. His support and guidance have been incredibly important in helping me to this day. I understand that he has made mistakes and everyone does as we are only human. I believe my Dad deserves a second chance and I want to help him regain his footing. Just as my Dad played a major role in my childhood I want to repay the favor and make a positive impact on his life like he did mine.

H. Dao

G.1

11/25/24

Letter To Dad

Dear, Dad

I am writing this letter to show support in hopes of your release to stay in the United States where the rest of the family is at. I remember the times when we used to take family trips, like fishing out in Ocean City. I enjoyed those times as a kid and can't help but feel bad for our youngest brother who didn't get to experience those times. Ever since the arrest, things have not been the same, especially with grandma. You can tell how hard this has affected her and her family as well. I hope that things go well and the family can go back to normal, and the kid can have a normal childhood with a father figure in his life.

Sincerely,

Dan

H.1

HONORABLE THE IMMIGRATION JUDGE

12/10/2024

Dear: Immigration Judge,

My name is Vi Dao, and I am the daughter of Tuan Dao. I am writing to express my support for my dad and to share the impact his absence has had on our family. My dad was a hardworking person who dedicated himself to providing for us. He worked two jobs landscaping most days and helping my mom at their nail salon on others to ensure our family was financially secure.

Growing up without my dad around has been an immense challenge for me and has really affected my mental health and academics. I began feeling very depressed during the first years of his absence, and it was difficult to navigate through school. Eventually after some time, I was able to cope with my depression and make sure that I was still performing well in school. Nonetheless, I still miss my dad.

Throughout my developmental years, my dad's absence has been a constant reminder of his absence at home during significant milestones such as my high school graduation, getting into my dream college, and many birthdays and holidays. My dad knows that I am very busy with college, but he still tries to call home to check in. I tell him about my accomplishment that he's missed out on, and he tell me how happy he is and how proud he is of me. I at least have that, but I wish my dad could have been there for me physically. Although my dad may not be able to offer significant support anymore, his efforts to stay connected mean a lot to me.

My dad's absence has also affected our family dynamics a lot. My mother has shouldered the immense responsibility of raising me and my three brothers single-handedly, striving to ensure our well-being and success in school. Her resilience has been inspiring, but the absence of my dad has really taken a toll on her well. We anxiously wait for the day that my dad can reunite with us at home and be a part of our lives again.

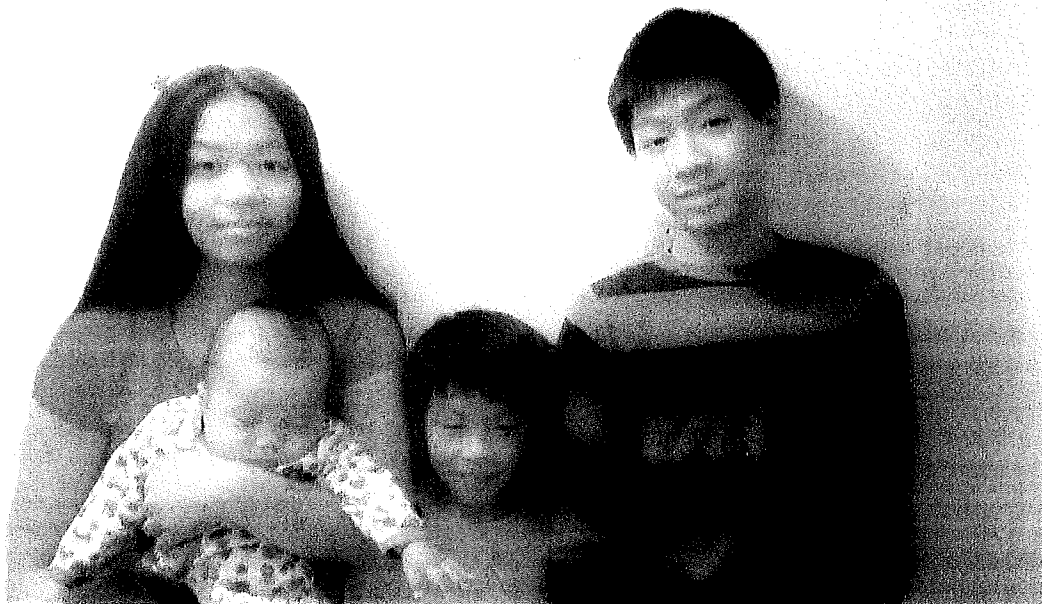
Everything changed after my dad was incarcerated. His absence has had a significant impact on our family, both emotionally and financially. My mom became the sole provider, relying solely on her work as a nail technician to

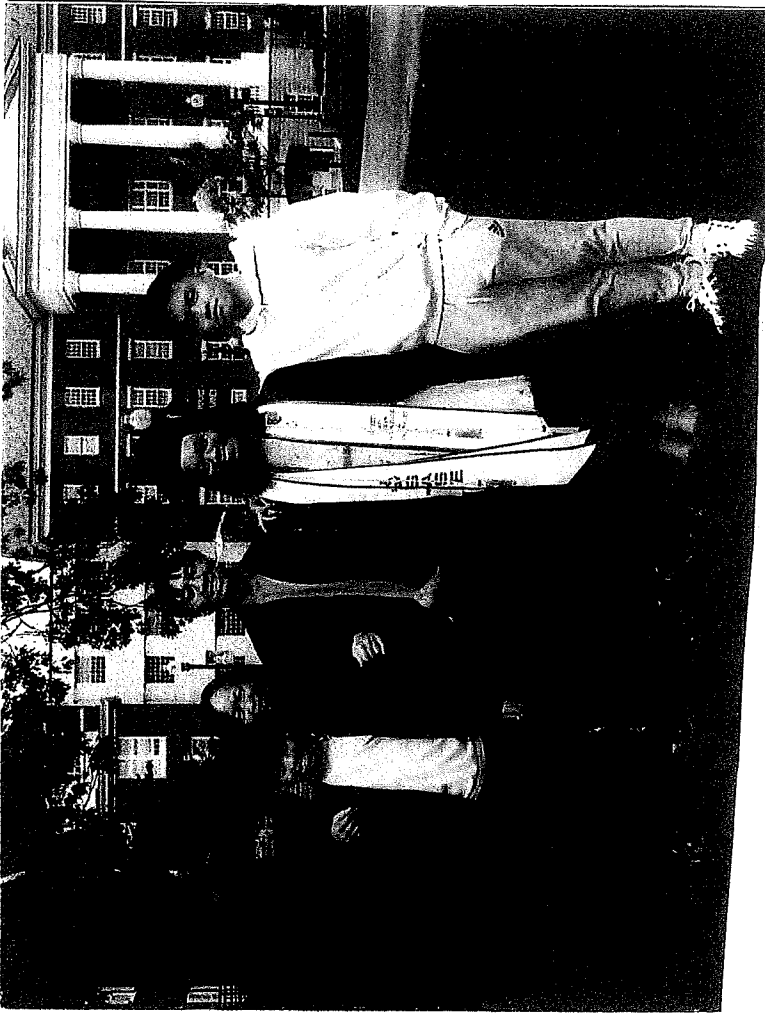
keep us afloat. The strain was overwhelming, and I had to step up and help in any way I could such as helping my mom around the house and looking after my younger brothers while she worked tirelessly. Despite our efforts, our family has struggled deeply, and we have not been the same without my dad.

Losing my dad from our home has been hard for our family. I kindly ask that you consider the significant impact of his absence on our family and the life he worked so hard to build for us. My dad is a good man who has always worked hard and made sacrifices for our family, and I hope you can give him a chance to stay with us.

Sincerely,
Vi Dao

I.1





J.1

Affidavit for Immigration

My name is Tony Hook, I am writing this letter on behalf of my friend of many years, Mr Dao. I have know him for 7 years. Since we met at Massachusetts state prison he has always been a peson of outstanding character. He has taught me many things such as controlling my temper, how to start a landscaping business even how to cook. He's grown so much in the 10 years since being incarcerated.

He has done so many programs and learned various skills and also english as well, when I first met Mr. Dao he couldn't speak english at all, but now he is speaking very good english, he also can write and read too, I personally seen him progress. He is a family man, he loves his family very much. He would talk about his kids all the time he misses them very much.

I myself is pretty much younger than Mr. Dao and grew up without a father, so I know first hand how much a child needs their father and him being away from his kids is decramental. They need him back. Seperating them 7,700 miles is not the right thing to do, it is not the human thing to do.

I confidently believe that Mr. Dao is not a risk to the community. I got to know him very well during the time I was around him. He is a type of person that is honest, also has principle and loyalty. He has a very good heart and actively likes to work to keep himself busy. Especially he loves to doing business, playing soccer, and cook. I believe that he deserves to have a chance like others people, I also believe Mr. Dao can be intergrated back into society he would be a great addition to the community others can learn from him just as I have.

I am write this letter to the best of my knowledge and experience about Mr. Dao.

Very truly,

Tony Hook

K.1

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM
ON
THE ACCEPTANCE OF THE RETURN OF VIETNAMESE CITIZENS

The Government of the United States of America (hereinafter called "the U.S. Government") and the Government of the Socialist Republic of Vietnam (hereinafter called "the Vietnamese Government"),

With a wish of developing friendly relations between the two countries, and to establish procedures for competent authorities of both countries on the prompt and orderly acceptance of Vietnamese citizens who have been ordered removed by the U.S. Government,

In order to establish common procedures for the relevant authorities based on the legal principles of each country and the international responsibility to accept the return of repatriated citizens; and to follow recognized principles of international law, to allow for a case-by-case determination of repatriation, and to recognize the right of the receiving country to determine nationality,

Have agreed to the following:

Article 1
General Provisions

1. The U.S. Government will carry out the repatriation of Vietnamese citizens who violated U.S. law in accordance with U.S. and international law and the provisions of this Agreement. The repatriation should take into account the humanitarian aspect, family unity and circumstances of each person in each individual case.

2. The Vietnamese Government may consider the return of its citizens who violated U.S. law based on the consideration of legal procedures and the

status and circumstances of each individual case. The subject individuals and the acceptance procedure will be based on the terms of this Agreement.

3. Repatriation will be carried out in an orderly and safe way, and with respect for the individual human dignity of the person repatriated. The U.S. Government will allow Vietnamese citizens who have been ordered removed a reasonable time to arrange their personal affairs before returning them to Vietnam.

4. Persons repatriated under this Agreement have the right to transfer their legal money and personal property to Vietnam.

5. The U.S. Government will pay for the cost of returning to Vietnam persons repatriated under this Agreement, as provided in Article 5 and Annex 1. The U.S. Government will also pay for the cost of returning to the United States any person who was mistakenly repatriated, in accordance with Article 3 of this Agreement.

Article 2

Removable Persons and Conditions of Acceptance

1. The Vietnamese Government will accept the return of Vietnamese citizens in accordance with Article 1 and item 2 of Article 2 of this Agreement, if upon investigation the individual meets the following requirements:

(a) The individual is a citizen of Vietnam and is not a citizen of the United States or of any other country;

(b) The individual previously resided in Vietnam and has no current residence in a third country;

(c) The individual has violated U.S. laws and has been ordered by competent authority removed from the United States; and

(d) If the individual has been convicted of a criminal offense (including immigration violation), the person will have completed any imprisonment before removal, and any reduction in sentence will have been ordered by competent authority.

2. Vietnamese citizens are not subject to return to Vietnam under this Agreement if they arrived in the United States before July 12, 1995, the date on which diplomatic relations were re-established between the U.S.

Government and the Vietnamese Government. The U.S. Government and the Vietnamese Government maintain their respective legal positions relative to Vietnamese citizens who departed Vietnam for the United States prior to that date.

3. In the case of a citizen of Vietnam who immigrated to the United States from a third country where that person had a permanent residence and who has been ordered removed from the United States, the U.S. Government will seek to return that person to the third country or consider allowing that person to stay in the United States, before requesting removal to Vietnam.

4. In any case where the Vietnamese Government obtains information relevant to the repatriation of an individual that was not previously considered by the U.S. Government, the Vietnamese Government may request a humanitarian reconsideration based on the specific circumstances of the repatriated person in accordance with United States law.

Article 3

Return of Persons Repatriated in Error

Upon notice by the Vietnamese Government that a person returned to Vietnam by the U.S. Government does not meet all criteria mentioned in Article 2 of this Agreement, the U.S. Government should promptly receive the return of that person to the United States without any special procedure.

Article 4

Acceptance Procedures

1. When the U.S. Government believes that a removable person is a citizen of Vietnam and meets all criteria within Article 2 of this Agreement, the U.S. Department of Homeland Security, on behalf of the U.S. Government, will request appropriate travel documents from the Vietnamese Government and will forward the appropriate files to that Government. Such files will include three sets of documents, the original and two copies. The original and one copy shall be forwarded to the Vietnamese Ministry of Public Security (Immigration Department) by the U.S. Embassy in Vietnam, and the other copy will be sent to the Vietnamese Ministry of Foreign Affairs (Consular Department).

Each file will contain a diplomatic note which requests that the Vietnamese Government accept the returnee, the name of the person the U.S. Government believes should be repatriated to Vietnam, the appropriate forms completed by such person (an example of which is provided in Annex 2 of


this Agreement), a copy of the order of removal, and other documents regarding the person's biography, citizenship, criminal history, sentence imposed, and decision of amnesty or reduction of criminal sentence. The order of removal will be translated into Vietnamese on the standard form, and the criminal history will include a National Crime Information Center (NCIC) record in English accompanied by a code key translated into Vietnamese. All documents and translations will be certified by the competent U.S. authorities.

2. Upon request by the Vietnamese Government, the U.S. Government will arrange and facilitate the interview of persons who fall within Article 2(1) of this Agreement by Vietnamese immigration officials to determine information regarding the Vietnamese citizenship, biographical data, and last place of residence of such persons. The U.S. Department of Homeland Security will arrange a venue for those interviews. The U.S. Government also will facilitate interviews by U.S.-based consular officers of the Vietnamese Government of deportable persons whom the U.S. believes to be Vietnamese citizens.

3. The Vietnamese Government will provide a prompt response to the U.S. Government on cases referred under this Article after the Vietnamese verification is made. If it is determined that a person whose name and file has been provided to the Vietnamese Government in accordance with this Article meets the requirements of Article 2, the Ministry of Public Security of the Vietnamese Government will issue a travel document authorizing that person's return to Vietnam, and will provide written notification to the U.S. Embassy in Vietnam.

4. When the Vietnamese Government has issued a travel document under this Agreement, the U.S. Government will provide at least fifteen (15) days notice of the flight and travel arrangements by which the person will be returned to Vietnam. The U.S. Embassy in Vietnam will inform the Ministry of Public Security (Immigration Department) and the Ministry of Foreign Affairs (Consular Department) of the date and number of the flight, the time of arrival, the port of entry (Noi Bai Airport in Hanoi or Tan Son Nhat Airport in Ho Chi Minh City), and the details regarding any U.S. officers escorting the person to be returned (such as names, dates of birth, passport numbers, estimated times of stay in Vietnam, etc), and allow the Vietnamese side to confirm receipt of the returnees.

When a person under medical treatment is returned to Vietnam under this Agreement, the escorting U.S. officers will provide a copy of the person's health record to the receiving Vietnamese officials at the port of entry. The



escorting and receiving officers will sign a joint report verifying the person's repatriation.

Article 5

Expenses

1. The U.S. Government will pay for the cost of transporting Vietnamese citizens to Vietnam under this Agreement.

2. The U.S. Government will pay for the costs of receiving repatriated persons including: verifying fee, the receipt at the airport and transportation of the persons from airport to the place of residences in accordance with the enclosed Annex 1.

3. The U.S. Government will pay for the cost of arranging interviews by relevant Vietnamese officials of persons whom the U.S. Government believes to be Vietnamese citizens and subject to repatriation under this Agreement.

4. The U.S. Government will pay for the cost of returning to the United States persons who were repatriated in error, as provided in Article 3 of this Agreement.

Article 6

Entry into Force and Duration


1. This Agreement will enter into force sixty (60) days from the date of signature by both Governments.

2. Upon entry into force, this Agreement will be valid for five years. The Agreement will be extended automatically for terms of three years thereafter unless written notice not to extend is given by one Government to the other at least six months prior to the expiration date of the Agreement.

Article 7

Amendment and Supplementation

This Agreement may be amended or supplemented by written agreement of the Vietnamese Government and the U.S. Government through appropriate diplomatic channels.



Article 8
Resolution of Disputes

Any disputes regarding the interpretation and implementation of this Agreement will be resolved through appropriate diplomatic channels.

Article 9
Suspension or Termination

This Agreement may be suspended or terminated by either Government. Such suspension or termination of this Agreement will come into effect after thirty days (30) from the date one Government receives the written notification from the other Government of its intention to suspend or terminate.

Done at Hanoi, on 22 January 2008 in duplicate in the English and Vietnamese languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF
AMERICA**

Julie Myers

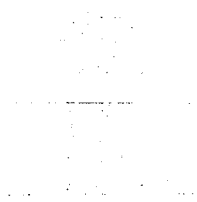
**FOR THE GOVERNMENT OF
THE SOCIALIST REPUBLIC OF
VIETNAM**

[Signature]

Annex 1**EXPENSES FOR REPATRIATION**

Content	Expenses for Repatriation
1/ Expenses for verification (including verification through the Vietnamese Embassy in the U.S.) and receipt at airports in Vietnam	\$140/person
2/ Transportation fee for the repatriated person from airport to the place of residence	\$10/person
Total:	\$150/person

L.1

Request #421774651**Profile Photo:****Audit Photo:****Resident Info**

Name: Tuan Dao (1971-12-31)
 Booking Number: 074481733
 Nationality: VN
 Submitted Date: 02/15/24 08:58
 Submitted Room: B-2,059/B2
 Current Room: B-2,059/B2
 Facility: Buffalo, NY
 MAC ID: CCB8A89A48F9
 Device ID: CCB8A89A48F9

Form Info

Category: ICE
 Form: ICE Detainee Request
 Internal Tag: No Tag

Request Info

Status: CLOSED by J. Travis
 Facility Deadline: 02/20/24 23:59

Summary of Request:

Release information

Details of Request:**What is your Country of Citizenship?:**

Other

Please choose from the below options.:

select below

Deportation Officer

What are you requesting?:

Be specific

Dear: officer Travis I Tuan Hoang Dao how are you? Here is my address:

4118 Trowbridge Road

York, PA 17402

Telephone number is (717)600-2370 home and (717)747-4833 cell number you can call her at any time, if she can't answer please leave to her a message she will call you right back please let me know and my A # 074 481 733 the country Vietnam. Thank you!

DATE/TIME	USER	ACTION	DETAILS
11/20/24 07:30	Tuan Dao	Viewed Staff Response	
11/20/24 07:12	Tuan Dao	Viewed Staff Response	
11/20/24 07:12	Tuan Dao	Viewed Staff Response	
11/05/24 07:55	Tuan Dao	Viewed Staff Response	
11/05/24 07:55	Tuan Dao	Viewed Staff Response	

M.1



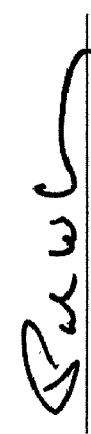
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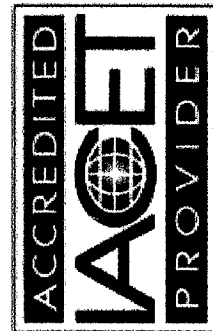
Tuan Dao

has successfully completed
Adapting to Change

on
October 30, 2024

Clock Hours: 0.50


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

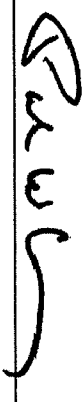
Tuan Dao

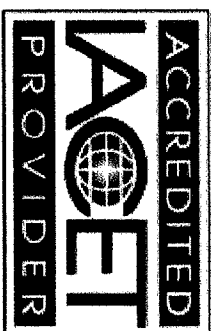
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Adapting to Change

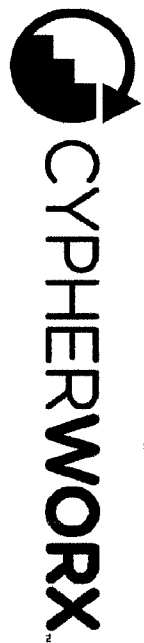
on

October 31, 2024

Clock Hours: 0.50


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that


Tuan Dao

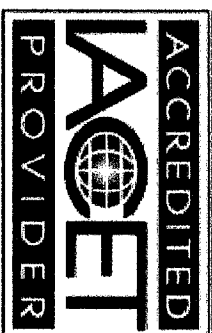
has successfully completed
Anger Management

on

October 31, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

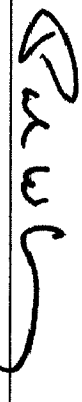
Tuan Dao

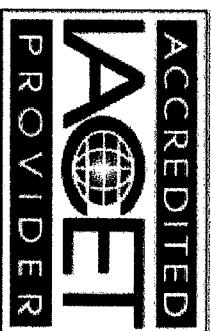
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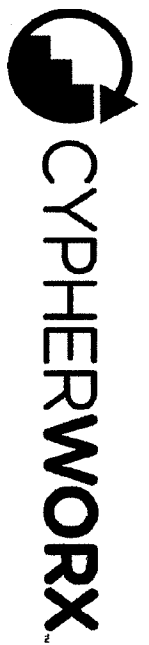
**Advanced Interpersonal Communication: Building Relationships
Through Feedback**
on

October 31, 2024

Clock Hours: 0.75


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that


Tuan Dao

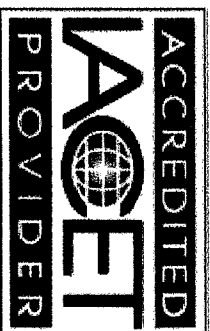
has successfully completed
Drug-Free Workplace

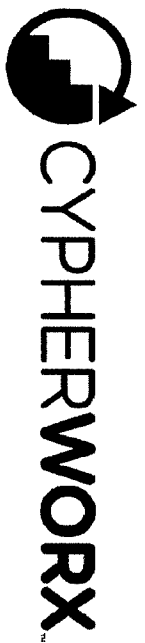
on

November 1, 2024

Clock Hours: 0.50


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that


Tuan Dao

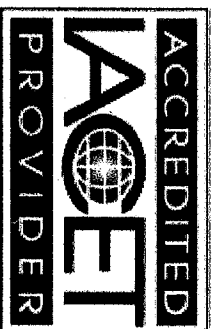
has successfully completed
Forklift Safety

on

November 1, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao

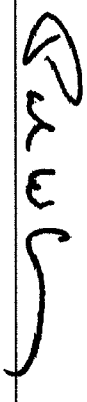
has successfully completed

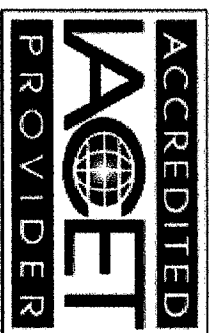
Forklift: Material Handling

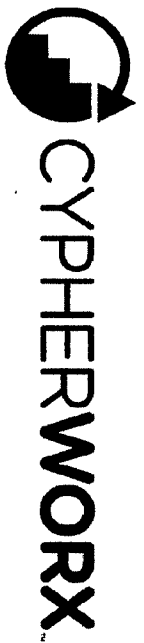
on

November 1, 2024

Clock Hours: 0.75


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that


Tuan Dao

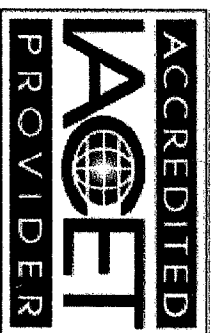
has successfully completed
Mobile Equipment

on

November 1, 2024

Clock Hours: 0.50


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao

has successfully completed

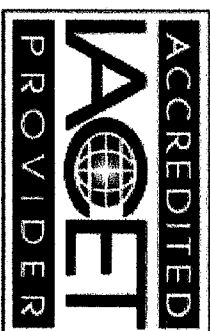
A Student Guide to Drug and Alcohol Abuse

on

October 9, 2024

Clock Hours: 0.50

Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao

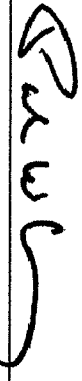
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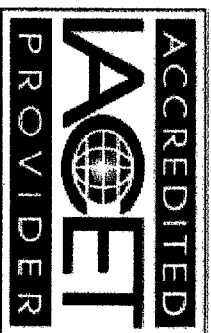
A Student Guide to Drug and Alcohol Abuse

on

October 9, 2024

Clock Hours: 0.50


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao


has successfully completed

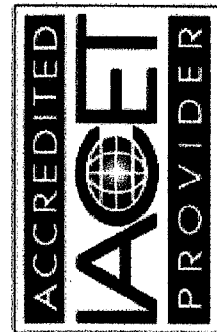
**Advanced Interpersonal Communication: Building Relationships
Through Feedback**

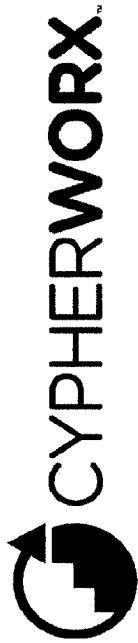
on

October 9, 2024

Clock Hours: 0.75


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao

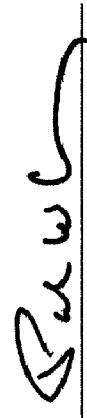
has successfully completed

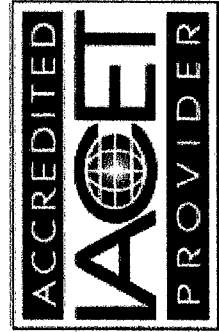
**Advanced Interpersonal Communication: Building Relationships
Through Feedback**

on

October 9, 2024

Clock Hours: 0.75


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao

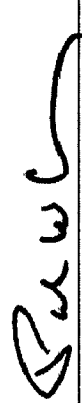
has successfully completed

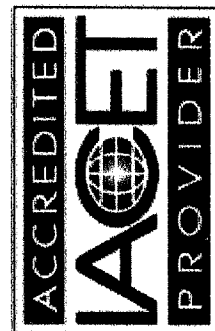
Business Accounting: Accounting for Inventory

on

November 11, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao

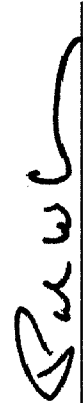
has successfully completed

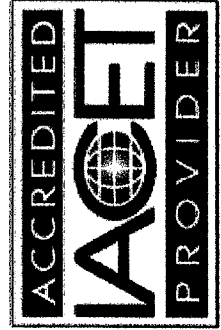
Business Accounting: Accounting for Inventory (Corrections)

on

November 11, 2024

Clock Hours: 0.75


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that


Tuan Dao

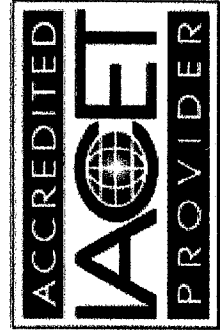
has successfully completed
Careers Without College

on

November 12, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.



Certificate

OF COMPLETION

This certificate is proudly presented to

Tuan Dao

for completing
GED: Science - Unit 1: Science Practices

Clock Hours: 1.00

November 8, 2024



Certificate

OF COMPLETION

This certificate is proudly presented to

Tuan Dao

for completing

GED: Social Studies - Unit 2: United States History

Clock Hours: 1.00

November 9, 2024



Certificate

OF COMPLETION

This certificate is proudly presented to

Tuan Dao

for completing
GED: Social Studies - Unit 3: Economics

Clock Hours: 1.00

November 10, 2024



Certificate

OF COMPLETION

This certificate is proudly presented to

Tuan Dao

for completing

GED: Social Studies - Unit 4: Geography and the World

Clock Hours: 1.00

November 10, 2024



Certificate

OF COMPLETION

This certificate is proudly presented to

Tuan Dao

for completing
GED: Social Studies - Unit 5: Post-Test

Clock Hours: 0.25

November 10, 2024





Certifies that


Tuan Dao

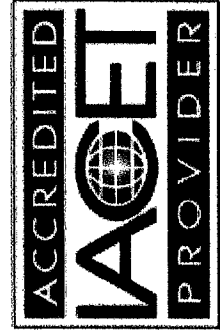
has successfully completed
GED: Math - Unit 1: Tools

on

November 6, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao

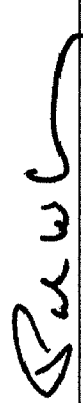
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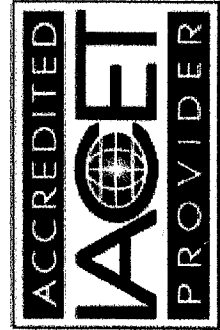
GED: Math - Unit 2: Introduction to Real Numbers

on

November 6, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao


has successfully completed

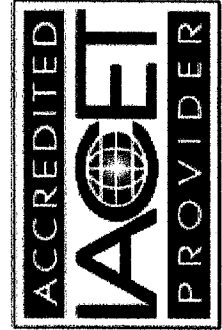
GED: Math - Unit 3: Algebraic Expressions and Equations

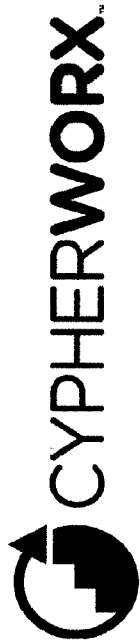
on

November 6, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao


has successfully completed

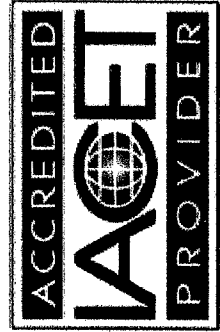
GED: Math - Unit 4: Introduction to Geometry

on

November 7, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao


has successfully completed

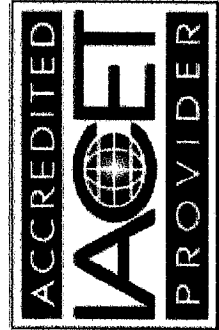
GED: Math - Unit 5: Coordinate Plane

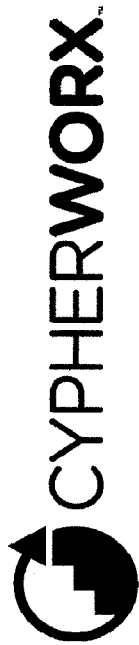
on

November 8, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao

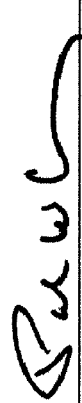
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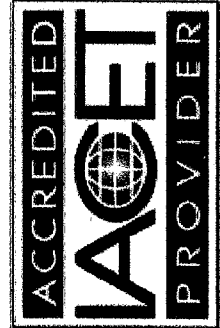
GED: Math - Unit 6: Polynomials

on

November 8, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that


Tuan Dao

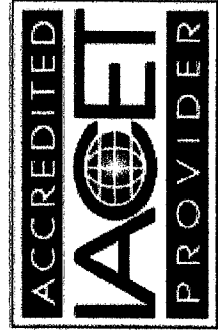
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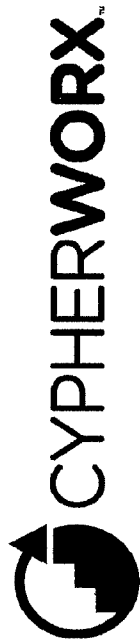
**GED: Reasoning Through Language Arts - Unit 1: Strategies for
Reading Comprehension**
on

November 8, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that


Tuan Dao

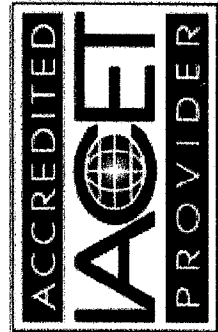
has successfully completed

**GED: Reasoning Through Language Arts - Unit 2: Vocabulary and
Word Skills**
on

November 8, 2024

Clock Hours: 1.00


Paul W. Cypher, President & CEO,
CypherWorx, Inc.



Certificate

OF COMPLETION

This certificate is proudly presented to

Tuan Dao

for completing
**GED: Reasoning Through Language Arts - Unit 3: Reading
Comprehension Skills**

Clock Hours: 1.00

November 8, 2024



Certificate

OF COMPLETION

This certificate is proudly presented to

Tuan Dao

for completing

**GED: Reasoning Through Language Arts - Unit 4: Patterns of
Organization**

Clock Hours: 1.00

November 8, 2024



Certificate

OF COMPLETION

This certificate is proudly presented to

Tuan Dao

for completing

**GED: Reasoning Through Language Arts - Unit 5: Purpose and
Tone**

Clock Hours: 1.00

November 8, 2024



Certificate

OF COMPLETION

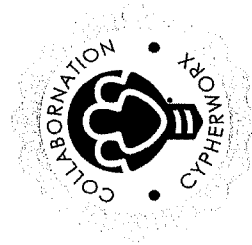
This certificate is proudly presented to

Tuan Dao

for completing
**GED: Reasoning Through Language Arts - Unit 6: The Writing
Process**

Clock Hours: 1.00

November 8, 2024



Certificate

OF COMPLETION

This certificate is proudly presented to

Tuan Dao

for completing
**GED: Reasoning Through Language Arts - Unit 7: The Extended
Response**

Clock Hours: 1.00

November 8, 2024





Certifies that

Tuan Dao

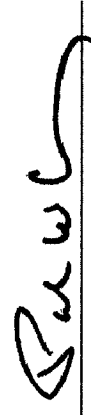
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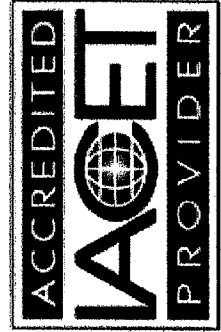
GED: Reasoning Through Language Arts - Unit 8: Post-Test

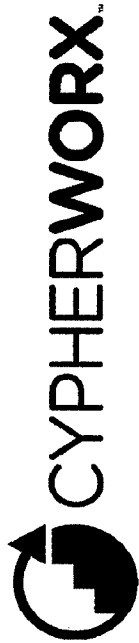
on

November 8, 2024

Clock Hours: 0.25


Paul W. Cypher, President & CEO,
CypherWorx, Inc.





Certifies that

Tuan Dao

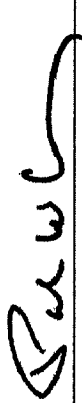
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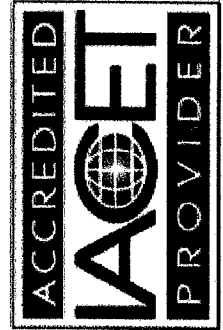
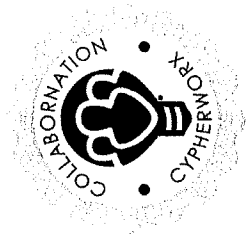
GED: Reasoning Through Language Arts - Unit 8: Post-Test

on

November 12, 2024

Clock Hours: 0.25


Paul W. Cypher, President & CEO,
CypherWorx, Inc.



AA

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3
78206-127-02
0

BUFFALO FED DETENTION FACILITY PHARMA
4250 FEDERAL DRIVE BATAVIA, NY 14020
1179871 MINER PA, L

11/05/2024

074481733

DAO, TUAN ****

BUF - B2/59//

KOP

INHALE 2 PUFF(S) BY MOUTH TWICE DAILY AND AS
NEEDED - RINSE MOUTH AFTER USE -

MOMETASONE/FORMOTEROL 100/5 MCG II

#120 (5) Refills

JSB/TML

Ord 09/20/2024

RxExp 03/12/25

For oral inhalation only. Do not use if you are pregnant or planning to get pregnant. See important information about this medicine on the label and in the patient information leaflet.

100 mcg/5 mcg
per actuation



5



For oral inhalation only

100 mcg/5 mcg
per actuation

NDC 78206-127-02

100 mcg/5 mcg
per actuation

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tuan Hoang Dao

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

Merrick, et al

25 CV 0005

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 2241

Brief description of cause:

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Buffalo Federal Detention Facility

ITY®
L

FROM:

Tuan Hoang Dao

A: 074 481 733

Buffalo Federal Detention
Facility

4250 Federal Drive

Batavia, NY 14020

al destinations.

USDC - WDNV

JAN - 2 2025

overage. BUFFALO

TO:

Western New York
District Court

2 Niagara Square

Buffalo, NY 14202 -

3498

Package Pickup,
QR code.



W/PICKUP



25 CY 0008

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FLAT RATE ENVELOPE

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25 0000		3 Lb 0.50 Oz RDC 03
EXPECTED DELIVERY DAY: 01/03/25		
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USPS TRACKING® #  9505 5143 7087 4365 5297 70		
		

PRIORITY MAIL

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